



# TOWNSHIP OF BLACK RIVER-MATHESON FINAL ZONING BY-LAW

May 15, 2017

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Holtyre  
Ramore  
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Val Gagné South**



# TOWNSHIP OF BLACK RIVER-MATHESON

## Final Zoning By-law

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**May 15, 2017**



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By-law to be inserted after Council adoption



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## **SECTION 1 INTRODUCTION AND INTERPRETATION**

### **1.1 TITLE OF BY-LAW**

This By-law may be cited as the “Township of Black River-Matheson Zoning By-law” and/or “this By-Law”.

### **1.2 LANDS SUBJECT TO BY-LAW**

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Township of Black River-Matheson which are identified as constituting the zoned areas on Schedules A, B, C, D and E to this By-law.

### **1.3 CONFORMITY WITH BY-LAW**

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or land hereafter be altered, in whole or in part, except in conformity with the provisions of this By-law.

### **1.4 COMPLIANCE WITH OTHER RESTRICTIONS**

This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the municipality, or any other governmental authority having jurisdiction to make such restrictions or regulations.

### **1.5 INTERPRETATION OF BY-LAW**

In this By-law, the definitions and interpretations set out in Section 2.0 shall apply, unless the context clearly requires otherwise, and any words not specifically defined in this By-law shall carry their customary meaning.

### **1.6 SINGULAR AND PLURAL WORDS AND GENDERS**

In this By-law, unless otherwise specifically indicated, words used in the singular number include the plural and vice versa; and words used in the masculine gender include the feminine and vice versa.

### **1.7 “SHALL” IS MANDATORY**

In this By-law, the word “shall” is mandatory and not directory.



## **1.8 “USE” AND “OCCUPY”**

In this By-law, unless the context is clearly otherwise, the word “use” shall include “design for use”, “arrange for use”, intend for use”, “permit to be used” and “erect for use”; and the word “occupy” shall include “design for occupation”, “arrange for occupation”, “intend for occupation”, “permit to be occupied” and “erect for occupation”.

## **1.9 RESERVES**

Where a lot line of a lot abuts a reserve established by a public agency to restrict or control access to an abutting public road from such lot, the said lot shall be deemed to abut the said road and such reserve shall be deemed to constitute part of the said lot for the purpose of determining compliance with this By-law, except that this provision shall not be construed as permitting access from such lot to the said road across such reserve.

## **1.10 CROWN RESERVES**

Where the lot line of a lot abuts a Crown Reserve adjacent to a waterbody, such reserve shall be deemed to constitute part of the said lot for the purpose of determining compliance with this By-law except that no building permit shall be issued for any part of such reserve where the Ministry of Natural Resources and Forestry has not approved such construction.

## **1.11 REFERENCE TO OTHER LEGISLATION**

Where this By-law makes reference to legislation of the Government of Ontario or the Government of Canada, such references shall be deemed to include any and all amendments or successors thereto or regulations thereunder.

## **1.12 REFERENCE TO OTHER AGENCIES**

Where this By-law makes reference to the jurisdiction of a public agency, and where the name or responsibilities of such public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over the matters to which the said reference applies.

## **1.13 INSPECTION OF LAND, BUILDINGS AND STRUCTURES**

1. Subject to Section 49 of the *Planning Act*, 1990, where an officer believes on reasonable grounds that a by-law passed under Section 34 or 38 of the *Planning Act* is being contravened, the office of any person acting under his or her instructions, may at all reasonable times, and upon producing



proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.

2. Except under the authority of a search warrant issued under Section 49.1 of the *Planning Act*, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
3. No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power under this Section.

For the purposes of this by-law, reasonable hours shall mean between 8:00 a.m. and 9:00 p.m. local time.

### **1.14 ZONE SCHEDULES PART OF BY-LAW**

The Schedules attached to this By-law are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

### **1.15 INTERPRETATION OF ZONING SCHEDULES**

The extent and boundaries of all zones are set out on the Zone Schedules comprising Schedule "A", "B", "C", "D" and "E" to this By-law shall be interpreted in accordance with the following provisions:

- (a) Boundaries of zones shall be construed, wherever possible, to be concurrent with lot lines, property boundaries, street lines, high water marks, top of bank, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, boundaries of registered plans or municipal boundaries existing on the date of passing of this By-law.
- (b) Where the location of a boundary of a zone on Schedule "A", "B", "C", "D" or "E" to this By-law or on a schedule to any amendment to this By-law is not clearly shown on such schedule or cannot be determined in accordance with clause (a) of this subsection, the location of such zone boundary shall be measured on such zone schedule at the scale of such schedule and shall be deemed to be the centre point of the line on such schedule which denotes the said boundary.
- (c) Where a zone boundary is shown on a Schedule "A", "B", "C", "D" or "E" to this By-law, the zone symbol within the boundary shall apply to all lands within such boundary.

## SECTION 2 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations provided in this Section shall govern:

**Abut or Abutting** means directly and immediately contiguous, physically touching, or sharing a common wall or lot line.

**Accessory**, when used to describe a use, building, structure or activity, means a use, building, structure or activity which is normally incidental, secondary, subordinate and exclusively devoted to a main use, building, structure or activity and located on the same lot therewith.

**Adult Entertainment Establishment** means any premise or part thereof in which, in pursuance of a business, trade, calling, or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations are provided. This definition includes a body rub parlour.

**Adverse Effects** means one or more of:

- (a) Impairment of the quality of the natural environment for any use that can be made of it;
- (b) Injury or damage to property or plant or animal life;
- (c) Harm or material discomfort to any person;
- (d) An adverse effect on the health of any person;
- (e) Impairment of the safety of any person;
- (f) Rendering any property or plant or animal life unfit for human use;
- (g) Loss of enjoyment of normal use of property; and
- (h) Interference with normal conduct of business.

**Agricultural Use** means an area of land used for the growing of crops, including nursery and horticultural crops, aquaculture, apiaries, agro-forestry, maple syrup production, and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of the operation requires additional employment. On-farm diversified uses and facilities are those that produce value added agricultural products from the farm operation on the property, including, but not limited to, the sale of maple syrup, seasonal roadside produce stands and processing and packaging operations

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

**Agriculture-Related Uses** means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

**Alter or Change** means:

- (a) when used in reference to a building or structure, or part thereof,
  - i. to change any one or more of the external dimensions of such building or structure,



- ii. to make any change in the supporting members or to the type of construction of the exterior walls or roof of such building or structure,
  - iii. to alter the use of such building or structure,
  - iv. to change the location of such building or structure;
- (b) when used in reference to a lot,
- v. to change the lot area, lot depth, lot frontage, water frontage or lot coverage of such lot,
  - vi. to change the width, depth or area of any yard, court, setback, landscaped open space or parking area of such lot,
  - vii. to change the location of any boundary of such lot, whether such alteration is made by conveyance or alienation of any such portion of such lot or otherwise, or
  - viii. to alter the use of such lot;
- (c) when used in reference to a use,
- ix. to discontinue and replace, in whole or in part, a use specifically defined in this By-law with any other use specifically defined in this By-law or with any use not specifically defined in this By-law;
  - x. in the case of an industrial use, to change the mode of operation of such industrial use or the type of commodity being produced or processed,
  - xi. in the case of a residential use, to change the number of dwelling units or guest rooms in a dwelling or rooming house, or to change the number of mobile home dwellings in a mobile home park, or
  - xii. in the case of a use not specifically defined in this By-law, to change in any way the type or scale of such use.

**Attached** means, when referring to an accessory building, a building otherwise complete in itself which depends on structural support or complete enclosure upon a division wall or walls shared in common with an adjacent main building on the same lot; or when referring to a main building, a building otherwise complete in itself which depends on structural support or complete enclosure upon a division wall or walls shared in common with another adjacent main building either on the same lot or on an adjacent lot.

**Automotive Use** means a building, structure or lot, or part thereof, where vehicles are sold, rented, serviced, fuelled, maintained, repaired or cleaned for compensation and/or remuneration.

**Balcony** means a stage or platform, other than a stoop or porch, projecting from the wall of a building and accessible from inside such building by means of a door.

**Basement** means any storey below the first storey of a building.

**Bed and Breakfast Establishment** means an owner-occupied private home where accommodation and meals are provided to the travelling public but does not include a rooming house.

**Berm** means a landscaped mound of earth.

**Breezeway** means a roofed, enclosed passage connecting two or more buildings or the main wall and a deck, where the deck is part of a main building.

**Brownfield Site** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Building By-law** means any bylaw of the Corporation passed pursuant to the *Building Code Act*.

**Building Height** - See "Height".

**Building** means an enclosed structure, consisting of wall and roof, used for the shelter, accommodation or enclosure of persons, animals or goods and chattels, but does not include any vehicle, that complies with the *Building Code Act*.

**Building Permit** means a permit required by the Building By-law.

**Building Separation** means the shortest horizontal distance measured from the closest point on the exterior walls of any two detached buildings on the same lot.

**Bulk Retail Outlet** means a retail store where primarily large, bulky or unwieldy items including, but not necessarily restricted to, furniture, appliances, machinery, floor coverings and landscaping and gardening supplies or implements, are offered for sale or rent, and may include a retail lumber yard, hardware store, building supply store or garden centre.

**Business and Professional Office** means a building or part thereof in which one or more persons is employed in administering, managing, directing or conducting a public or private agency, a business, office, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, a professional office, a courier service, a newspaper publisher, or a real estate or insurance agent, but does not include a retail store.

**By-law Enforcement Officer** means a person duly appointed by Council as a By-law Enforcement Officer and charged with the duty of enforcing the By-laws of the Corporation.

**Camp (Fishing Camp, Hiking Camp, Hunt Camp, Snowmobile Camp)** means a private building or structure consisting of one or more rooms and which may contain facilities for the preparation of food and overnight accommodation, including an outhouse, on a temporary basis for persons engaged in non-commercial activities such as fishing, hiking, hunting, snowmobiling or other similar forms of recreation. A camp shall not include a year-round or seasonal dwelling or any other establishments or use as may be defined in this By-law. A camp shall not contain more than 40 m<sup>2</sup> of gross floor area (GFA), including any liveable basement area, and shall comply with the *Building Code Act*.

**Camp Site** means a plot of land within a campground intended for temporary accommodation of persons in tents, tent trailers, campers or other recreational vehicles for vacation or recreational purposes, and for which a fee may be charged.

**Campground** means an area of land, managed as a whole, in which camp sites are provided for the temporary accommodation and may include accessory uses such as a laundromat, convenience store or recreational uses for persons using the campground, but shall not include mobile homes or a mobile home park.



**Cellar** means a basement which has more than 50% of its height, from finished floor to finished ceiling, below the lowest of the finished grades of the exterior walls thereof.

**Chief Building Official** means the person duly appointed by Council as the Chief Building Official and charged with the duty of enforcing the provisions of the *Building Code Act*, together with any regulations thereunder, and of the Building By-law.

**Commercial** means a building structure, lot, use or activity the primary purpose of which is the buying, selling or renting of commodities or the supplying of services for remuneration, gain or profit, but does not include such uses or activities associated with manufacturing or assembling of goods, warehousing or construction work.

**Community Garden** means a communal garden provided for the sole use of consumption by the individual or individuals working in the garden.

**Conforming or Conformity** means conforming to all applicable provisions of requirements of this By-law.

**Conservation Use** means land used solely for the preservation and enhancement of the natural environment and may include a conservation area.

**Convenience Store** means a retail store wherein various convenience and items of a day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, groceries, meats, beverages, dairy products, light hardware products, tobacco products, pharmaceutical drugs, magazines and newspapers, are offered for sale.

**Corporation** means the Corporation of the Township of Black River-Matheson.

**Council** means the municipal council of the Corporation of the Township of Black River-Matheson.

**Coverage** means the percentage of a lot area covered by above-ground buildings and structures (including both main and accessory buildings or structures), excluding that portion of such lot area which is occupied by a building or portion thereof which is completely below ground.

**Detached** means not attached.

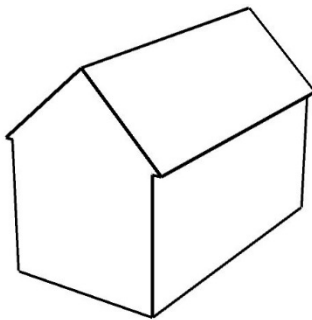
**Development** means the erection of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or a mobile home park.

**Driveway** means a passageway which provides vehicular access to parking areas or loading areas on a lot, from a road.

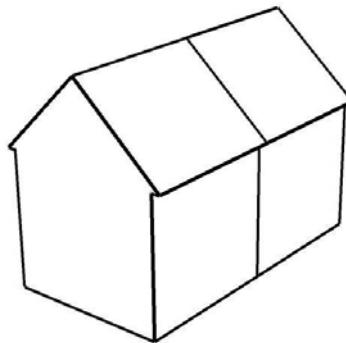
**Dwelling** means a building containing one or more dwelling units as a main use thereof.

- (a) **Boarding House** means a single-detached dwelling containing three or more accessory guest rooms.

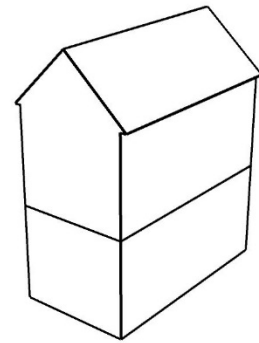
- (b) **Duplex** means a building that is divided horizontally into two dwelling units each with an independent entrance, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings.
- (c) **Semi-Detached** means one of a freestanding pair of single dwellings on a single foundation each with an independent entrance, in whole or in part above grade and divided vertically from each other into two dwelling units by a common wall extending at least one storey above grade.
- (d) **Single** means a dwelling containing not more than one dwelling unit.
- (e) **Single-Detached** means a freestanding single dwelling, but does not include a mobile home dwelling.
- (f) **Mobile Home** means a freestanding single dwelling designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons.
- (g) **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 dwelling, a recreation vehicle, a travel trailer or tent trailer or trailer otherwise designed.
- (h) **Multiple** means a dwelling which contains three or more dwelling units, with or without permitted non-residential uses, and which includes any such dwelling wherein furnished dwelling unit accommodation is provided on a weekly or monthly basis.
- (i) **Seasonal** means a single-detached dwelling or mobile home dwelling erected and used as a secondary place of residence for seasonal vacations and recreational purposes and not as the principal residence of the owner or occupant thereof.



Detached Dwelling



Semi-detached Dwelling



Duplex Dwelling



**Dwelling Unit** means a suite of one or more inter-connected habitable rooms which is occupied and used in common by one or more persons as a single, distinct and self-contained housekeeping establishment; and contains cooking and toilet facilities for the exclusive common use of the occupants thereof.

**Dwelling Unit, Accessory** means a dwelling unit accessory to a permitted non-residential use on the same lot and occupied by either an owner of such lot or by a person employed thereon.

**Entrance Setback**, when used in reference to a lot, means the area of intersection between a driveway and a street line.

**Erect** means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such work including, but not so as to limit the generality of the foregoing, excavating, filling or draining.

**Existing and Exist** means existing as of the date of passing of this By-law.

**Extractive Use** means a mine, a pit, a quarry or a wayside pit or quarry as defined in this By-law.

**Farm Help House** means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed in the agricultural operation by the owner of the lot.

**Fence** means a structure which forms a barrier for enclosing, screening, bounding, delineating or protecting land.

**Finished Grade** means when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior face of such building or structure; exclusive of any wells providing light or ventilation to basement areas and exclusive of any embankments, planters, or any other such structures placed or constructed along the base of any wall, building or structure.

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

**Floor Area, Gross** means the aggregate of the floor areas of all storeys of a building, other than an unfinished attic or unfinished basement from the face of the exterior walls.

**Forestry Use** means an area of land used for the cultivating or harvesting of trees, with or without sawing, splitting or sale of timber originating solely on the same lot therewith as uses accessory thereto.

**Garden Suite** means a one-unit, detached residential structure containing kitchen and bathroom facilities that is ancillary to an existing principal dwelling and that is designed to be portable.

**Group Home** means a single housekeeping unit in a residential dwelling in which three to ten persons, excluding staff, live together under responsible supervision consistent with the requirements of its residents and which is licensed and/or approved under Provincial statute and in compliance with municipal By-laws.

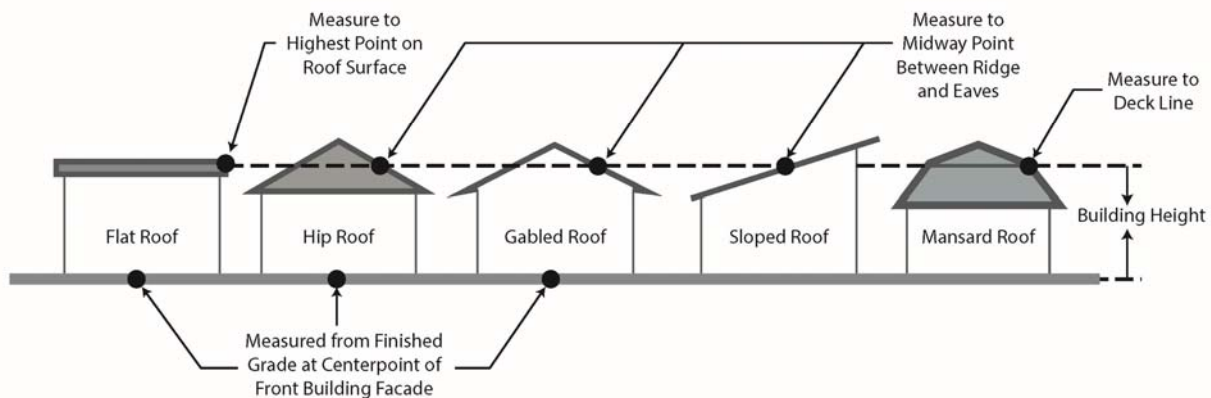


**Guest Cabin** means a room or suite of rooms, in which sanitary conveniences may be provided, but which contains no cooking facilities and is accessory to a permitted dwelling.

**Habitable Room** means an indoor area designed or used for human living, sleeping, cooking or eating.

**Height**, when used in reference to a building or structure, means the vertical dimension between the finished grade of the walls of such building or the side of such structure facing the front lot line and:

- (a) in the case of a flat roof or a one-slope roof having a slope less than 20 degrees from horizontal, the highest point of the roof surface;
- (b) in the case of a mansard roof, the deck line;
- (c) in the case of a gabled or hip roof, or a one-sloped roof having a slope of not less than 20 degrees from the horizontal, the average level between eaves and ridge;
- (d) in the case of a structure not having a roof, the topmost part of such structure; or
- (e) where an exterior building wall extends above the top of the roof of a building, the topmost part of such exterior wall.



**Hereafter** means after the date of the passing of this By-law.

**Herein** means anywhere in this By-law or in any Schedules to this By-law.

**Hereof** means of this By-law.

**Hereto** means to this By-law or attached to this By-law, as the context requires.



**Highway Commercial** means a commercial use orientated to vehicular and truck traffic and serving the tourist population, without limiting the generality of the foregoing, may include licensed establishments servicing automobiles, trucks and heavy equipment; motels; restaurants and other drive through services; places of amusement and recreation such as a bowling alley or private club; servicing and repair shops; establishments supplying fuel, building material and hardware; gift shops; wholesale and warehousing establishments; and, outdoor storage in conjunction with a main use.

**Home Industry** means any privately operated legal occupation or enterprise which is carried out within a detached building or structure which is accessory to a residential use in a residential or agricultural area and only by a person or persons residing on the property, and which is compatible with the character of surrounding residential buildings or the setting. This definition shall be limited to small-scale manufacturing; a carpentry shop; a craft shop; a metal work shop; a plumbing shop; an electrical shop; a welding shop; a machine or auto repair shop, painters, a merchandise service shop; a maintenance garage or a storage building for school buses, boats or snowmobiles; and cottage industries.

**Home Occupation** means any privately operated legal occupation, profession, business, trade or craft conducted for gain or profit as an accessory use entirely within a dwelling unit and not within an accessory building or structure, only by a person or persons therein. This definition includes, but shall not be limited to dressmaking; hairdressing; instruction in arts, crafts, dancing or music to not more than 6 pupils; molding; painting; sculpting; weaving; or the making or repairing of garden or household ornaments, clothing, personal effects or toys conducted within a dwelling unit; and a retail outlet for farm produce and a produce grading station operated for gain or profit as an accessory use on a permitted farm.

**Industrial Use** means the use of land, building or structure 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, articles or thing and including the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services, and related accessory uses such as transportation, wholesaling, storage and shipping, bulk storage of fuel or similar substances, but does not include an extractive use or a salvage yard.

**Industrial Use, Light** means an industrial use engaged in, or use for producing apparel and finished textile products; warehousing or storing goods or materials indoors; printing, duplicating or bookbinding; manufacturing finished paper and allied products other than processing wood pulp; producing cosmetics, drugs and other pharmaceutical supplies; manufacturing finished lumber products, light metal products, light machinery, electronic products, finished plasticware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monuments, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use.

**Institutional Use** means land building or structure or part thereof used by any government agency, organization, group or association for the promotion of governmental, religious, charitable, educational, medical or hospital purposes, benevolent objectives or public services and which is not operated for gain or profit including, without limiting the generality of the foregoing, a children's home, a church, a day nursery, a hospital, a public medical centre, a private club, a non-profit or charitable institution, a special care home, a recreation and community centre, a public or private school, or any other public use other than a public utility, but excluding a mental hospital or any place of detention or correction.

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

**Landscaped Open Space** means an area of open land used and maintained for the growth and cultivation of grass, flowers, shrubs, trees and other vegetation; the conservation of natural features, including rock formations, waterbodies and woodlots; or the provision of landscaping features including, but not necessarily restricted to, planting strips, play areas, permitted outdoor swimming pools, surfaced walks and patios or similar areas, but shall not include any driveway or ramp, or any curb, retaining wall, parking area, or any open space beneath or within a building or structure.

**Legal Existing or Legally Existing:**

- (a) when used in reference to a use, lot, building or structure, means:
- i. a use, lot, building or structure existing lawfully as of the date of passing of this By-law; or
  - ii. a building or structure the plans for which were approved prior to the passing of this By-law.
- (b) when used in reference to a registered lot, means a registered lot which:
- i. is or has been held under distinct and separate ownership from abutting registered lots continuously from the date of passing of this By-law;
  - ii. was subject to a consent approved pursuant to the *Planning Act* prior to the date of passing of this By-law, and was subsequently severed; or
  - iii. is located in a plan of subdivision registered prior to the date of passing of this By-law.

**Loading Space** means an off-street space or bay located on the same lot as a permitted use and used for the temporary parking of a vehicle loading or unloading merchandise or materials pertinent to such use, and which has unobstructed access to a street.

**Lot Coverage** means that part of a lot, or percentage of the lot area of a lot, covered by the perpendicular projections onto a horizontal plane of all buildings on the lot.

**Lot Definitions:**

- (a) **Lot** means an area of land under one ownership, other than a road, which may be used as the site of one or more main buildings, structures or uses, together with any buildings, structures or uses accessory thereto, regardless of whether or not such area of land constitutes a registered lot.

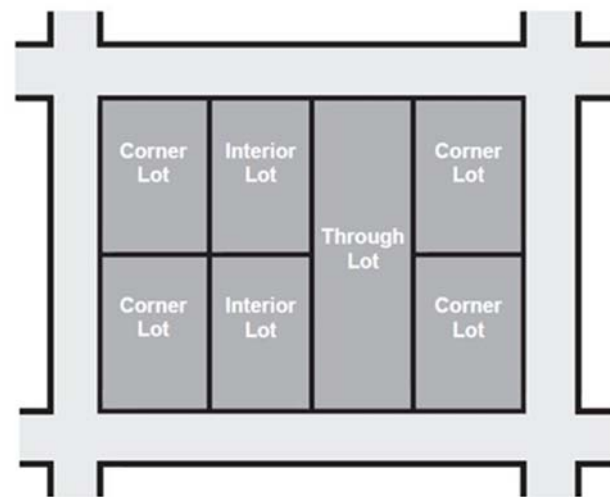


Illustration of Lot Types



- (b) **Corner Lot** means a lot located directly adjacent either to an intersection or two or more roads, an intersection of a road and an unopened road allowance of the municipality, or to a bend in a road, where the said intersection or bend has an interior angle, measured along the side lot lines of such lot, of not more than 135 degrees, but does not include any lot having three or more distinct interior lot lines where such lot is so shaped that, if it were deemed to be an interior lot, the frontage of such lot would be less than the lot depth thereof.
- (c) **Interior Lot** means any lot which abuts a road which is not a corner lot.
- (d) **Through Lot** means an interior lot abutting two or more roads.
- (e) **Waterfront Lot** means a lot having a shoreline but no street line.

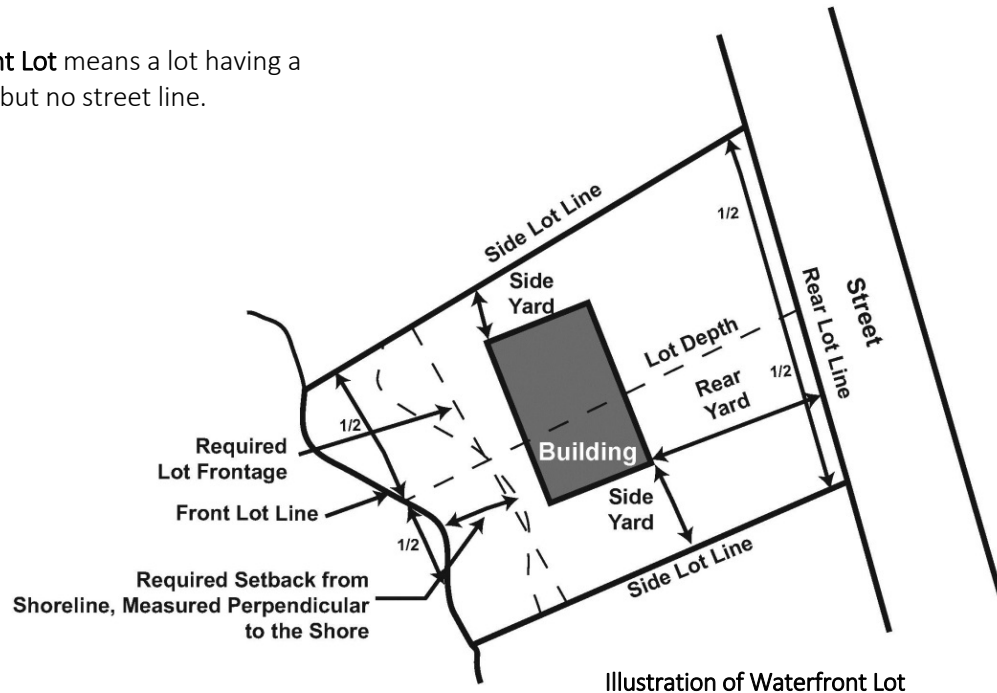


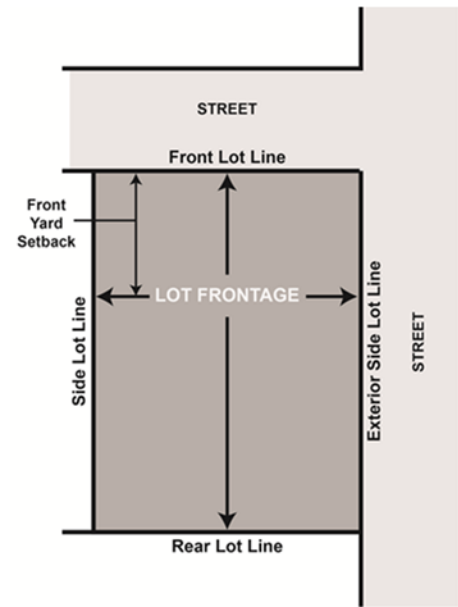
Illustration of Waterfront Lot

**Lot Depth** means the shortest horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line of the said lot.

**Lot Frontage** means the horizontal distance between the side lot lines of a lot, such distance being measured along a line perpendicular to the side lot lines, in the case either of a lot having parallel side lot lines or of a corner lot having a bent corner but where the side lot lines are parallel except for such bend; or along a line which is parallel to, and 6 m distance from, the front lot line, in any other case.

**Lot Line Definitions:**

- (a) **Lot Line** means any boundary of a lot or the vertical projection thereof.
- (b) **Front Lot Line** means:
- i. in the case of an interior lot line other than a through lot, the street line of such lot.
  - ii. in the case of a corner lot where the street lines are not of equal length, the shorter street line; and where the street lines are of equal length, either street line shall be deemed the front lot line.
  - iii. in the case of a waterfront lot, the shoreline of the lot.
- (c) **Rear Lot Line** means the lot line furthest from, and opposite to the front lot line.
- (d) **Interior Lot Line** means a lot line which is not a street line.
- (e) **Side Lot Line** means a lot line which is not a front lot line or a rear lot line.
- (f) **Exterior Side Lot Line** means the side lot line of a corner lot which is also a street line.
- (g) **Interior Side Lot Line** means a side lot line which is not a street line.



**Main**, when used to describe a use, building or structure, means a use or structure which constitutes, or a building in which is conducted, a principal or main use of the lot where such use, building or structure is located.

**Marina** means a commercial establishment, located adjacent to a navigable waterbody, which provides services or supplies primarily to boaters and which consists of boat docking, launching or storage facilities or mooring slips together with one or more boat-related commercial uses, and includes, without limiting the generality of the foregoing, a restaurant, dock, and boat storage facility.

**Mine** means a mine within the meaning of the *Mining Act*.

**Mineral Exploration** means the exploration for metallic minerals such as gold, copper and nickel or the exploration for non-metallic minerals such as mica and salt talc.

**Mineral Extraction** means the act of excavating, mining, removal or recovery of any mineral, mineral deposits, or mineral aggregate resources, including from a pit, quarry, or underground mining operation.



**Mobile Home Park** means a lot containing two or more mobile home dwellings on separate mobile home sites, with or without buildings, structures or uses accessory thereto.

**Mobile Home Site** means a lot or area of land within a mobile home park which is used as the site of, and pertains to, not more than one mobile home dwelling.

**Municipality** means the Municipality of the Corporation of the Township of Black River-Matheson.

**Navigable Waterbody** means a waterbody sufficiently deep and wide to give passage to a boat.

**Non-commercial** means not commercial.

**Non-conforming and Non-conformity**, when used in reference to a use, lot, building or structure, means a use, lot, building or structure which does not conform to, or comply with, one or more of the provisions of this By-law, or which is not permitted by this By-law.

**Office** means a business office or professional office.

**Open Space Use** means an outdoor recreation area, forestry use or a public park.

**Outdoor Recreation Area** means an area of public or private land consisting mainly of landscaped open space or other open areas and used for commercial or non-commercial outdoor recreational purposes.

**Outdoor Storage** means the storage of goods and materials, or the display and sale of goods and materials including vehicles for hire or sale, outside a building.

**Parking Lot** means a parking area which constitutes the main use on a lot and where vehicles are parked for remuneration, and does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

**Parking Space** means that portion of a parking area, exclusive of any driveway or parking aisle, which is used for the temporary parking of not more than one vehicle.

**Pit** means a pit as defined in the *Aggregate Resources Act*, but does not include a wayside pit.

**Primarily** means mainly but not necessarily exclusively.

**Private Cabin** means an accessory building used for temporary human habitation but containing no cooking facilities.

**Private** means not public.

**Public Agency** means the Government of Canada, the Government of Ontario, the Township of Black River-Matheson or any other municipal corporation; any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Ontario, the Township of Black River-Matheson or any other municipal corporation; or public utility.

**Public Park** means an area of public land used primarily for active or passive recreational purposes of any kind or as a conservation area, including any buildings and structures thereto, and without limiting the generality of the foregoing, may include an arena, a baseball field, tennis courts, hiking trails, playground facilities, conservation uses, open space and a heritage or historical site.

**Public Utility** means any agency, corporation, board or commission, or any department of the Township of Black River-Matheson, providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage refuse or collection and disposal services to the general public, and includes without limiting the generality of the foregoing, any public utility defined in the *Municipal Act*, R.S.O., 2001, as amended and the *Public Utilities Act*, as amended; and, any railway company subject to the *Railways Act*; or any use, other than an office, pertaining directly to the provision of such services, and includes, without limiting the generality of the foregoing, any public works yard or automotive use associated therewith.

**Public**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot which is owned, occupied, used or administered by a public agency.

**Quarry** means a quarry as defined in the *Aggregate Resources Act*, but does not include a wayside quarry.

**Recreation facility** means an establishment where participatory athletic, recreational or physical fitness facilities are provided, and includes without limiting the generality of the foregoing, a community centre, a health, fitness, and exercise spa or club, an ice or roller skating rink, a squash or tennis facility and an outdoor recreation area.

**Recreational Vehicle** means a motorized vehicle (e.g. motor home, camper van, camper pick-up) or recreational trailer (e.g. travel trailer, tent trailer) designed to provide temporary living accommodations but does not include a mobile home or other motor vehicle defined herein.

**Registered Lot** means a parcel of land under one ownership which is shown as a lot or block on a registered plan of subdivision; or comprises all the land described in a document legally capable of conveying an interest in land by way of deed, transfer, mortgage, charge, agreement of sale and purchase or otherwise, but does not include a parcel of land created as a reserve or a road, or for the express purpose of realigning a common property boundary between abutting land holdings.

**Required or Requirement** means required by this By-law.

**Residential Use** means a dwelling, dwelling unit or rooming house, or any use accessory thereto.

**Retail Store** means a building, structure or lot, or part thereof, where goods, wares, merchandise, commodities, substances, foodstuffs, household items, articles or things of any kind are stored, kept, offered or displayed for retail sale or rental to the general public.

**Road** means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year round by/and under the jurisdiction of the Township of Black River-Matheson or the Province of Ontario.



- (a) **Seasonal Road** means a public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained, but is not winter maintained.
- (b) **Private Access Road** means a private thoroughfare for vehicular and pedestrian traffic held under private ownership legally registered as a right-of-way or located on Crown land and which is not maintained by the Township of Black River-Matheson or the Province of Ontario.

**Road Setback** means the shortest horizontal dimension between a street line and the nearest part of any building or structure on a lot, and includes the width or depth of any exterior yard as defined in this By-law.

**Rooming House** means a building or part thereof which contains one or more guest rooms as the main use thereof and where accommodation, with or without meals, is provided for gain or profit, but does not include a hotel or any dwelling or an institutional use.

**Salvage Yard** means a lot used for collecting, wrecking, dismantling, reclaiming, storing or selling waste or obsolete goods, wares or materials.

**Sanitary Landfill Site** means a “sanitary landfill site” as defined in the *Environmental Protection Act*.

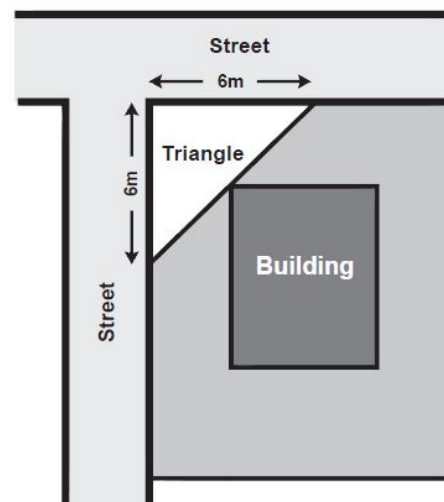
**Seacan, Shipping Container and Storage Trailer** means any unlicensed trailer, whether or not the same is mounted on wheels; mobile storage trailers, storage structure or cargo boxes designed or once serving as commercial shipping or cargo containers; truck trailers or boxes; or the parking of tractor-trailers or separate tractors or cargo boxes, but not including an eating establishment. For the purposes of this definition, unlicensed trailer means a trailer which does not have a valid permit under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.

**Serviced Lot** means a lot which is serviced by both a public water system and a public sanitary sewer system.

**Sewage Treatment Facility** means a building or structure, approved by the Ontario Ministry of Environment and Climate Change for the treatment of sanitary sewage or industrial waste.

**Sight Triangle** means that triangular portion of a lot which:

- (a) is situated adjacent to an intersection at grade either of two or more roads or of a road and a railway right-of-way; and
- (b) is delineated by:
- i. the two intersecting lot lines abutting such roads or such road and railway right-of-way, and
  - ii. a straight line drawn to connect a pair of points located on the said lot lines at a distance specified in this By-law from their point of intersection.





**Sign** means a name, identification, symbol, description, device, display, illustration or group of letters which is affixed to, or is painted or otherwise represented directly or indirectly upon, a building or structure for identification, information or advertising purposes.

**Street Line** means a lot line dividing a lot from a road and is the limit of the road allowance.

**Structure** means anything placed, constructed or erected, the use of which required location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.

**Temporary**, when used to describe a building or structure, means a building or structure intended for removal or demolition within a prescribed time or as determined under Section 8 of the *Building Code Act* for building permit issuance.

**To the Contrary** means with the opposite effect.

**Tourist Commercial Use** means the use of land, building or structure for the purpose of buying or selling of commodities, supplying of services for the travelling public, including a camping establishment, temporary rental accommodation, a tourist outfitter's establishment and a marina.

**Township** means the Corporation of the Township of Black River-Matheson.

**Unserviced Lot** means a lot which is not a serviced lot.

**Use** means the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained.

**Vehicle** means any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.

**Walkway** means a covered or roofed pedestrian thoroughfare used to connect two or more buildings.

**Water Access**, when used in reference to a lot, means a lot located adjacent to, and accessible directly from, a navigable waterbody which has boat docking facilities which are permanently provided and available to the public and which are accessible from a road or a private access road.

**Water Frontage** means the straight horizontal distance between the two most widely separated points on any one shoreline or a lot.

**Waterbody** means the natural or man-made channel of an open stream of water or any area below the high water mark of an open body of water.

**Waterbody Setback** means the shortest horizontal dimension between a waterbody and the nearest part of a building or structure on a lot.



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

**Yard** means an area of a lot abutting a building that is intended for use for such purposes as privacy space, landscaping, parking or access, and includes the following:

- (a) **Exterior Side Yard** means that a yard abutting a public street that extends from the front yard to the rear yard between a side lot line and the nearest point of the main building or structure, not including any permitted projections.
- (b) **Front Yard** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.
- (c) **Front Yard Setback** means the shortest horizontal dimension of a front yard measured from the front lot line of a lot to the nearest part of any main building or structure on such lot.
- (d) **Rear Yard** means a yard extending across the full width of a lot between the rear lot line of such a lot and the nearest part of any main building or structure on such lot, but excluding any part of a corner side yard as defined in this By-law.
- (e) **Rear Yard Setback** means the shortest horizontal dimension of a rear yard measured from the rear lot line of a lot to the nearest part of any main building or structure on such lot.
- (f) **Side Yard** means an interior side yard or corner side yard.
- (g) **Interior Side Yard** means a yard extending from the limit of the front yard to the limit of the rear yard of a lot and from the interior side lot line of such lot to the nearest part of any main building or structure on such lot.
- (h) **Interior Side Yard Setback** means the shortest horizontal dimension of an interior side yard measured from an interior side lot line of a lot to the nearest part of any main building or structure on such lot.
- (i) **Corner Side Yard** means a yard extending from the limit of the front yard to the rear lot line of a corner lot and from the exterior side lot line of such lot to the nearest part of any main building or structure on such lot.
- (j) **Corner Side Yard Setback** means the shortest horizontal dimension of a corner side yard measured from the exterior side lot line of a corner lot to the nearest part of any main building or structure on such lot.
- (k) **Exterior Yard** means a yard abutting a street line, and includes a front yard and a corner side yard as defined in this By-law.
- (l) **Interior Yard** means a yard which is not an exterior yard.

- (m) **Required Yard** means that part of a yard which is located adjacent to a lot line; has the minimum front yard depth, rear yard depth or side yard width required by this By-law, but does not contain or include any buildings, structures or outdoor parking areas except where such uses are specifically permitted thereon elsewhere in this By-law.

**Yard Encroachment** means to go beyond the usual limits set by the zoning By-law.

**Schedules** means the set of maps attached to this By-law as Schedules “A”, “B”, “C”, “D” and “E”, and which form part of this By-law.

**Zoned Area** means all those lands lying within the corporate limits of the Township of Black River-Matheson which are identified as constituting the zoned area on Schedules “A”, “B”, “C”, “D” and “E” to this By-law and which are subject to this By-law.



## SECTION 3 GENERAL PROVISIONS – ALL ZONES

### 3.1 ZONES AND ZONE CLASSIFICATIONS

#### 3.1.1 Division into Zones

For the purpose of this By-law, all lands within the zoned area are divided into zones as shown on the Schedules.

#### 3.1.2 Zone Classifications and Symbols

For the purpose of this By-law, the following zones are established and are shown on the Schedules:

<u>Zone Classification</u>	<u>Zone Symbol</u>
Agricultural Zone	AG
Residential Zone	R1
Apartment Residential Zone	R2
Mixed Use Zone	R3
Highway Commercial Zone	HC
Tourist Commercial Zone	TC
Institutional Zone	I
General Industrial Zone	M1
Rural Zone	RU
Shoreline Zone	SH
Open Space Zone	OS
Natural Hazard Zone	HAZ
Sensitive Zone	SEN
Waste Disposal Zone	WD

#### 3.1.3 Zone Provisions

For each zone listed and described in this By-law, a separate section sets out the permitted uses and specific requirements pertaining to such zone, and all such provisions shall apply in addition to the general provisions set out in this By-law and shall be interpreted in accordance with the interpretations and definitions set out in this By-law, except as otherwise provided by any special zone set out in this By-law.

#### 3.1.4 Special Zones

Wherever a zone symbol on the Schedules is followed directly by a dash and a number, the lands so designated shall be subject to, and used in accordance with, all the provisions or requirements of this

By-law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in this By-law.

### **3.2 ACCESS REQUIREMENTS**

#### **3.2.1 Frontage on a Road**

Notwithstanding any other provision in this By-law to the contrary, no person shall erect any building on any lot which does not have frontage on a road except as provided in subsections (2), (3) and (4) of this Section. All dwellings intended for permanent year round use shall front on a year round maintained public road.

#### **3.2.2 Exceptions for Seasonal Dwellings**

Subsection (1) of this Section shall not apply to prevent the use of a permitted seasonal dwelling on a lot having water access, frontage on a seasonal road or having access to a road via a private access.

#### **3.2.3 Exceptions for ~~Hunt and Snowmobile~~ Camps**

Subsection (1) of this Section shall not apply to prevent the use of a permitted camp on a lot.

#### **3.2.4 Exceptions for Railway Crossing**

Subsection (1) of this Section shall not apply to prevent the construction of a permitted building or structure on a lot having frontage on a railway right-of-way, provided the lot has an approved private access across the railway-right-of-way directly to a year round maintained public road.

### **3.3 ACCESSORY USES**

#### **3.3.1 General Requirements**

Accessory buildings and structures shall be located and erected in accordance with all applicable yard and setback requirements and other provisions of this By-law, except as otherwise provided in this Section.

##### **(a) Exceptions for Residential Lots**

Nothing in this By-law shall apply to prevent the erection or use of one or more detached accessory buildings or structures in a required rear yard on a residential lot, provided that no part of such accessory buildings or structures are located closer than 1 m to the rear lot line or interior side lot line or 4.5 m to a street line of a road.



**(b) Exceptions for Water Orientated Uses**

Notwithstanding any other provision in this By-law to the contrary, boat houses, docks, decks, saunas and water pumps shall be permitted at the edge of a waterbody subject to any other approvals required by law.

**(c) Seacan, Shipping Container and Storage Trailer**

Notwithstanding any other provision of this By-law to the contrary, seacans, shipping containers and storage trailers shall not be used for storage purposes on any lot in a Residential, Institutional, Open Space, Natural Hazard, Sensitive or Mixed Use Zone.

**(d) Habitation Prohibited**

An accessory building or structure shall not be used for human habitation except where a dwelling is a permitted accessory use.

**(e) Special Provisions for Driveway**

Where a private building or structure is being erected on a corner lot, no portion of any access driveway shall be located closer than 9 m to the intersection of the two road lines or their projections.

**(f) Accessory Apartments**

No part of this By-law shall apply to prevent a second dwelling unit within a permitted dwelling in accordance with the provisions of Bill 120, being the *Resident's Rights Act*.

**(g) Minimum Separation for Accessory Buildings and Structures**

The minimum separation between two or more main buildings, or a main building and an accessory building or structure shall be 3 m.

**3.3.2 Accessory Residential Accommodation**

Dwelling units are permitted as an accessory use to a commercial use provided:

- (a) the residential use is accessory to the main commercial use and located in the same building;
- (b) the entrance to the residential use shall be separate from the entrance to the commercial use.

### **3.4 ADULT ENTERTAINMENT ESTABLISHMENTS**

- (a) Council may, at any time, pass a By-law regarding the licensing, regulation and inspection of adult entertainment establishments within the Township of Black River-Matheson.
- (b) An adult entertainment establishment may be permitted in the Highway Commercial zone subject to a Zoning By-law Amendment. An adult entertainment establishment shall not be permitted in any other zone.

### **3.5 BED AND BREAKFAST ESTABLISHMENTS**

A bed and breakfast shall comply with the following:

- a) The bed and breakfast establishment forms part of a single-detached dwelling;
- b) A new bed and breakfast establishment shall meet the provisions of the zone in which it is located;
- c) A bed and breakfast establishment shall be operated by a live-in owner with a maximum of three (3) guest rooms; and
- d) A bed and breakfast establishment shall not change the residential character of an existing dwelling unit.

### **3.6 BUILDING TO BE MOVED**

No building or structure shall be moved within the limits of the municipality or shall be moved from outside the municipality into the municipality unless the building or structure is permitted in and satisfies all the requirements of the zone in which the building or structure is to be located.

### **3.7 CAMP**

Notwithstanding any other provision of this By-law to the contrary, a permitted camp may be located on any lot provided such camp is set back a minimum of 500 metres from any existing residential dwelling unit and no minimum lot area or lot frontage requirements shall apply to a permitted camp.

### **3.8 CAMPGROUNDS**

Council may, at any time, pass a By-law regarding the licensing and operation of campgrounds within the Township of Black River-Matheson.



### **3.9 EXISTING USES AND LOTS**

#### **3.9.1 Previous Violations Continued**

No building or structure illegally erected, no use illegally established, nor any lot illegally created prior to the date of passing of this By-law shall become or be made legal solely by reason of the passing of this By-law, and where any building, structure, use or lot is in conflict with one or more provisions of this By-law, such building, structure, use or lot shall remain illegal and shall not be deemed legal existing as defined in this By-law, except where otherwise specifically provided by this By-law.

#### **3.9.2 Continuation of Existing Uses**

Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purposes on the day of passing of this By-law, so long as it continues to be used for that purpose and is not altered in any way except in conformity with this By-law.

#### **3.9.3 Rebuilding and Repair of Existing Buildings and Structures**

Nothing in this By-law shall apply to prevent the repair or strengthening to a safe condition of a legal existing building or structure, or the rebuilding of such building or structure if it has been destroyed by means beyond the control of the owner, provided that the dimensions or use of the original building or structure, or of any yards appurtenant thereto, are not altered in any way except in conformity with this By-law.

#### **3.9.4 Extensions to Existing Buildings and Structures**

Nothing in this By-law shall apply to prevent a vertical or horizontal extension or addition to any legal existing building or structure the use whereof is permitted by this By-law, provided that such extension or addition is designed, located, used and otherwise in conformity with this By-law.

#### **3.9.5 Existing Undersized Lots**

Notwithstanding any other provision of this By-law to the contrary, any legal existing vacant lot held in separate ownership from adjoining lots on the date of passing of this By-law, which do not conform to the lot area, lot depth, lot frontage or water frontage requirements in this By-law for the zone where they may be located, shall be deemed permitted lots and shall be used as if they conformed to all such requirements, provided that no other applicable provision or requirement of this By-law, nor any applicable Health Unit or other regulation pursuant to the *Environmental Protection Act*, are contravened.



### **3.9.6 Plans Approved Prior to By-law**

Nothing in this By-law shall apply to prevent the erection or use of any building or structure that does not comply with one or more provisions of this By-law, if a building permit was issued by the municipality prior to the date of passing of this By-law, provided that:

- (a) when such building or structure is erected, it is used and continues to be used only for the same purpose for which the said building or structure was intended when such building permit was issued, and is not altered in any way except in conformity with this By-law; and
- (b) the erection of such building or structure is commenced prior to the expiration of any such building permit and further provided that any such building permit has not been revoked under the *Building Code Act*.

### **3.9.7 Previous Committee of Adjustment Variances**

Any variance granted by the Committee of Adjustment to any predecessor of this By-law, shall be deemed to be a variance granted to this By-law.

## **3.10 GARDEN SUITES**

Garden suites shall be permitted on a temporary basis in Agricultural, Residential, and Rural zones, subject to the following provisions:

- (a) One garden suite may be authorized on a lot through a temporary zoning by-law amendment for a renewable period of up to twenty (20) years.
- (b) A garden suite may not exceed 56.0 m<sup>2</sup> in gross floor area.
- (c) The addition of a garden suite is subject to the lot coverage provisions of the zone in which it is located.
- (d) A garden suite shall be used solely for the temporary accommodation of persons who, because of age, infirmity or illness require and receive care and supervision from the occupants of the single-detached dwelling located on the same lot therewith.
- (e) A garden suite shall be one (1) storey, having a height not to exceed 4.6 m.
- (f) A garden suite shall not be constructed or arranged as to constitute a travel trailer.



- (g) One (1) parking space shall be provided for the garden suite, in addition to the parking spaces required for the single-detached dwelling, in accordance with the relevant zoning provisions. The required parking space for a garden suite may be stacked in tandem behind the required parking space of the principal dwelling unit; however the creation of the garden suite must not eliminate a required parking space for the principal dwelling unit.

As per the *Planning Act* regulations for garden suites, Council shall require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including:

- (a) the installation, maintenance and removal of the garden suite;
- (b) the period of occupancy of the garden suite by any of the persons named in the agreement;
- (c) the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite; and
- (d) connection to existing services (sewer, water, hydro, septic, well).

### **3.11 GROUP HOMES**

Group homes shall be permitted in all zones that allow residential uses provided that they are provincially licensed.

### **3.12 HEIGHT RESTRICTIONS**

#### **3.12.1 Application of Height Restrictions**

No building or structure shall exceed the building heights set out in this By-law for the zone where such building or structure is located, except that nothing in this By-law shall apply to restrict the height of any structure or part thereof functioning solely as:

- (a) an antenna, aerial, mast or communications tower;
- (b) a barn, silo or grain or feed storage elevator;
- (c) a chimney or smokestack;
- (d) a church spire or steeple or belfry;
- (e) a clock tower, bell tower or church tower;

- (f) an electric power transmission line;
- (g) an elevator or stairway enclosure;
- (h) enclosed mechanical or electrical equipment;
- (i) a flag pole;
- (j) a flight control tower or forest fire lookout tower;
- (k) a roof top structure containing heating, cooling, ventilating or other mechanical or electrical equipment pertaining to the maintenance of a building;
- (l) a mining shaft head or mill equipment;
- (m) a satellite dish;
- (n) a solar panel or solar collector;
- (o) a water tower or water tank;
- (p) a windmill; or
- (q) a weathervane or other weather monitoring device, or a lightning rod.

### **3.12.2 Maximum Building Heights**

The maximum height of any main building shall be 10 m and the maximum height of any accessory building shall be 7 m except as otherwise specifically permitted in this By-law.

### **3.13 HOME INDUSTRIES**

Home industries in detached buildings accessory to permitted dwelling units shall be permitted in the Agricultural zone and Rural zone provided that:

- (a) it is clearly accessory to the main agricultural or residential use and does not create nor become a public nuisance in particular in regard to hours of operation, noise, traffic, parking, odour or health and safety;



- (b) home industries shall not occupy more than 220 m<sup>2</sup> of the gross floor area of an accessory building;
- (c) there are no more than two commercially licensed vehicles parked at any one time on the property;
- (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 1 m<sup>2</sup>;
- (e) such home industry is not an obnoxious trade, business or manufacture and does not change the residential character of the dwelling that it is accessory to;
- (f) a maximum of one employee, other than an occupant of the premises, shall be employed in the home industry;
- (g) home industries that are agriculture-related and on-farm diversified uses shall be compatible with and shall not hinder surrounding agriculture operations; and
- (h) entrances serving home industries located adjacent to provincial highways require the approval of the Ministry of Transportation.

### **3.14 HOME OCCUPATIONS**

Home occupations which are conducted as an accessory use entirely within permitted dwelling units shall be permitted in any zone provided that:

- (a) the use is clearly secondary to the use of the dwelling as a private residence and does not become a nuisance in particular in regard to dust, noise, traffic, odour, parking or health and safety;
- (b) the use is located entirely within the dwelling unit, does not change the residential character of the dwelling, and there is no evidence apparent from the exterior that such use is conducted therein;
- (c) there is no external storage of goods, materials and equipment;
- (d) the use does not occupy more than 25% of the gross floor area of the dwelling unit, or 40 m<sup>2</sup>, whichever is the lesser;

- (e) no person, other than an occupant of the dwelling unit containing the home occupation, shall be engaged in the home occupation;
- (f) entrances serving home occupations located adjacent to provincial highways require the approval of the Ministry of Transportation; and
- (g) in residential zones, the use is of limited extent and operation.

### **3.15 LANDSCAPED OPEN SPACE REQUIREMENTS**

Landscaped open space shall be provided as follows:

- (a) a landscaped area not less than 3 m in width, abutting all public roads, shall be provided in all zones which shall be uninterrupted except where traversed by pedestrian walkways or permitted driveways.
- (b) any part of any lot which is not occupied by buildings, structures, parking areas, driveways, loading spaces, agricultural uses, outdoor storage areas or any other permitted use, shall be maintained as landscaped open space.

### **3.16 LICENSES, PERMITS AND OTHER BY-LAWS**

Notwithstanding any other provisions of this By-law to the contrary, nothing in this By-law shall exempt any person for complying with requirements of the Building By-law or any other By-law in force within the municipality or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the municipality or by any other law in force from time to time.

### **3.17 LOADING SPACE REQUIREMENTS**

The owner or occupant of any building used for a multiple dwelling, a commercial use, an industrial use or a public use shall provide and maintain, on the same lot, unobstructed indoor or outdoor loading spaces in accordance with the provisions of this section.

#### **3.17.1 Dimensions of Loading Spaces**

Required loading spaces shall have minimum width of 3.6 m and a minimum length of 9 m and a minimum vertical clearance of 4.2 m.



### **3.17.2 Location of Required Loading Spaces**

All required loading spaces shall be located in their entirety on the same lot as the building for which they are required, and shall not overlap any required parking spaces. Outdoor loading spaces shall be permitted in any part of any yard but not closer than 3 m to a street line or residential dwelling.

### **3.17.3 Access to Loading Spaces**

Access to loading spaces shall be provided by means of one or more driveways which lead to a public road and which have a minimum unobstructed width of 3.6 m and a minimum vertical clearance of 4.2 m, and are designed to permit the maneuvering of vehicles on the lot so as not to obstruct, or otherwise cause a traffic hazard on adjacent roads, and to allow access from and egress to the road in a forward motion.

### **3.17.4 Calculation of Loading Space Requirements**

The owner or occupant of any building used for a multiple dwelling, an industrial use, a public use or a commercial use shall provide and maintain, on the same lot, unobstructed indoor or outdoor loading spaces in accordance with the following:

- (a) Multiple dwellings
  - buildings with 20 or more dwelling units = 1 loading space
- (b) Other Uses
  - over 500 m<sup>2</sup> of gross floor area = 1 loading space

### **3.17.5 Exemptions for Existing Buildings**

Notwithstanding any other provisions of this By-law to the contrary, no loading space shall be required for legal existing buildings and structures existing on the day of passing of this By-law but such loading spaces shall be required for any expansion or addition or enlargement to any such building or structure for which a building permit has been issued after the date of passing of this By-law.

## **3.18 MORE THAN ONE LOT OR ONE ZONE**

### **3.18.1 More than One Registered Lot**

Notwithstanding any other provisions or definitions of this By-law to the contrary, no person shall use two or more abutting registered lots as a single lot in order to comply with the requirements of this By-law unless:

- (a) such lots are held under the same ownership and are located in the same zone or, where such lots are located in different zones, the use of such lots is permitted in both or all of the said zones; and
- (b) an agreement between the municipality and the owner has been registered against the title of both or all such registered lots to the effect that such registered lots thereafter shall be deemed to constitute a single, inseparable parcel of land and shall not be sold, conveyed or alienated in any way or for any purpose except together in one group as a single lot.

### **3.18.2 More than One Zone**

Where a lot is divided into 2 or more zones, each such portion of the said lot shall be deemed a distinct and separate lot for the purposes of determining compliance with this By-law.

## **3.19 OUTDOOR STORAGE**

No outdoor storage, including the outdoor display or sale of goods and materials or of vehicles for hire or sale, shall be permitted on any lot in any zone except in a zone where such outdoor storage is specifically permitted hereby and in accordance with the following provisions:

- (a) No outdoor storage shall be permitted on a lot in any R1, R2, R3, HC, OS or I Zone; or accessory to any residential use.
- (b) No outdoor storage shall be permitted on any lot in a R3 or HC zone except for the accessory outdoor display or sale of goods or materials.
- (c) No outdoor storage shall be permitted in a required front or side yard, or within 15 m of any watercourse, waterfront or residential use.
- (d) No outdoor storage shall be permitted within 7.5 m to a rear lot line or side lot line abutting a Residential Zone or a residential use;
- (e) No outdoor storage shall be permitted on a lot where the main use is residential.
- (f) In an Industrial zone every outdoor storage area shall be enclosed by a continuous opaque barrier, wall or fence not less than 1.8 m in height, except that no such barrier shall be required abutting a railway right-of-way.



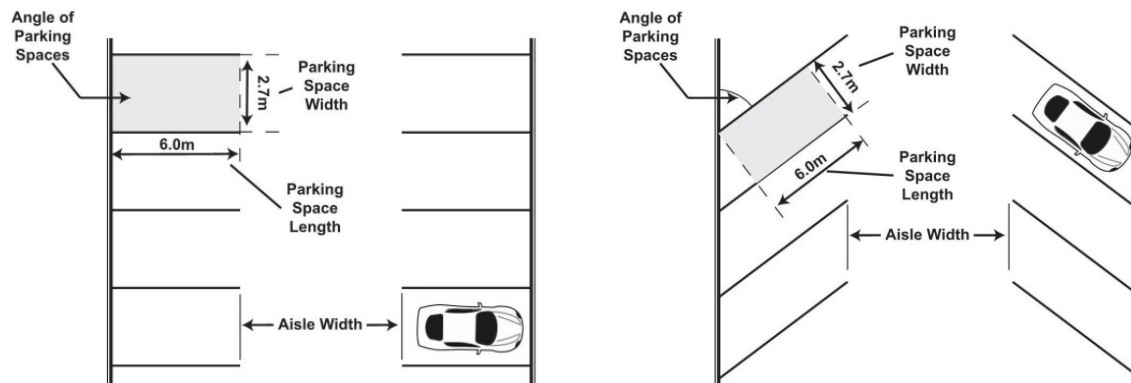
## 3.20 PARKING REGULATIONS

### 3.20.1 Calculation of Parking Space Requirements

Where the calculation of parking requirements in accordance with this By-law result in a fraction of a parking space being required on a lot, any fraction less than a whole number shall be disregarded; and where more than one use is located on a lot, the total number of parking spaces required for such lot shall be the sum of the parking space requirements for such separate uses, prior to rounding.

### 3.20.2 Dimensions of Parking Spaces

Required parking spaces shall have a minimum width of 2.7 m and a minimum length of 6.0 m except that barrier-free spaces shall have minimum rectangular dimensions of 4.4 m by 6 m.



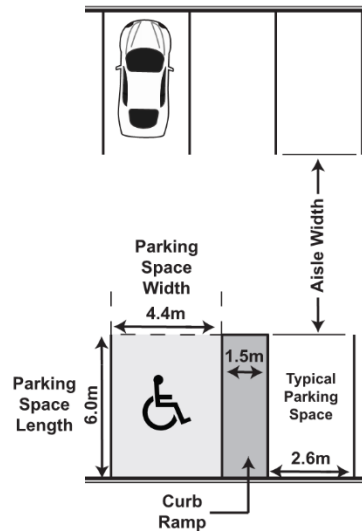
### 3.20.3 Location of Required Parking Spaces

All required parking spaces shall be located in their entirety on the same lot as the building or structure or use for which they are required, and shall not overlap any required loading spaces; except that no part of any parking space shall be located closer than 1.5 m to any lot line.



**3.20.4 Barrier-Free Parking Requirements**

Barrier-free parking spaces shall be located on level ground in close proximity to, and readily accessible to an entrance to any building; and be clearly identified and reserved for the exclusive use of physically disabled persons.



**3.21 PARKING SPACES REQUIRED**

Except as otherwise provided in this By-law, the owner or occupant of any lot, building or structure used or erected for any purpose set out in this subsection, shall provide and maintain unobstructed off-street parking in accordance with the provision of this Section.

**3.21.1 Parking Requirements for all Zones**

Residential Uses:

Use

Dwelling or guest room

Parking Spaces Required

1 per dwelling unit or 1 per guest room

Other Uses:

Use

Commercial use

Industrial use

Institutional use

Medical office

Any other use

Parking Spaces Required

1 per 20 m<sup>2</sup> of gross floor area

1 per 90 m<sup>2</sup> of gross floor area

1 per 4 persons capacity

3 per doctor

1 per 20 m<sup>2</sup> of gross floor area



### **3.21.2 Barrier-Free Parking Spaces**

The owner or occupant of any lot, building or structure shall provide barrier-free parking spaces for the exclusive use of disabled persons in accordance with the following:

- (a) one barrier-free parking space is required for the first 20 automobile parking spaces provided; and, if more than 20 parking spaces are provided, barrier-free parking spaces for use by persons with physical disabilities shall be provided at the ratio of one parking space for every 100 parking spaces or part thereof.

## **3.22 PERMITTED USES IN ALL ZONES**

### **3.22.1 Public, Service and Institutional Uses**

This By-law permits the use of land in any zone or the use, construction or re-construction, of any building or structure for the purposes of the provision of public services by the Township or of any telephone company, cable company, transportation or other public utility owned, operated or authorized by or for the Township of Black River-Matheson, any department of the Federal or Provincial Governments, including TransCanada Pipeline, Hydro One Networks Inc. or any conservation authority established by the Government of Ontario provided that:

- (a) the use, building or structure complies with the provisions of that zone;
- (b) any building or structure is designed and maintained in general harmony with the buildings and structures in that zone; and
- (c) there is no exterior storage of goods, materials or equipment in any Residential zone.

Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory to adjacent land uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks Inc.

### **3.22.2 Accessory Uses**

Where a lot is used, an activity is conducted or a building or structure is erected or used for any purpose in conformity with this By-law, that purpose shall include any building, structure, use or activity normally accessory thereto.

### **3.22.3 Legal Existing Dwellings**

Notwithstanding any other provision in this By-law to the contrary, all legal existing dwellings and dwelling units, other than mobile home dwellings, shall be deemed to be permitted uses, and nothing in this By-law shall apply to prevent the rebuilding, repair, alteration or use of any such dwelling or dwelling unit in accordance with this By-law, provided that such use has continued uninterrupted since the date of the passing of this By-law, no additional dwelling units are created and no other changes of use are made except where specifically permitted by this By-law.

### **3.22.4 Construction Uses**

Nothing in this By-law shall apply to prevent the use of any part of any lot for the outdoor storage of construction supplies or equipment; or the erection of use of any temporary building or structure or temporary sign, in conjunction with, and directly incidental to, construction work in progress on the same lot therewith or in relation to a road or public utility, but only for so land as such work remains in progress and, where applicable, a valid building permit for such work remains in force.

## **3.23 PROHIBITED HABITATION**

A truck, bus, coach, or any vehicle shall not be used for human habitation within the municipality, whether or not the same is mounted on wheels, unless originally and specifically designed for dwelling.

## **3.24 RAILWAY CROSSING**

Where any road or street crosses a railway at the same grade, no building or structure shall be erected closer to the point of intersection of the centre line of the railway and roadway than 30 m at signalized crossings and 45 m at uncontrolled crossings.

## **3.25 RECREATIONAL VEHICLE STORAGE**

Parking and storage of recreational vehicles shall be permitted in any zone subject to the following provisions:

- (a) Recreational vehicles shall not be parked or stored overnight in any commercial zone, unless commercial storage or commercial sales are permitted;
- (b) Recreational vehicles shall not be parked or stored in any portion of a front yard;
- (c) Recreational vehicles may be parked or stored in a garage;



- (d) Recreational vehicles may be parked or stored in an interior side or rear yard provided that the recreational vehicle is set back a minimum of 0.6 m from any lot line, and the line dividing the side yard from the front yard, and shall be visually buffered from the view of a street and abutting properties;
- (e) Any recreational vehicle shall not be occupied while parked or stored on a lot;
- (f) Any number of recreational vehicles, together not exceeding a total length of 11 m may be stored in an interior side yard or rear yard in any residential or rural zone, provided that the recreational vehicles being stored are setback a minimum of 0.6 m from any lot line and the line dividing the side or rear yard from the front yard;
- (g) The regulations of this section do not apply to any recreational vehicles parked or stored within a campground;
- (h) Notwithstanding any other provision in this By-law, recreational vehicles shall be permitted in any residential driveway between May 1<sup>st</sup> and October 31<sup>st</sup>.

### **3.26 REDUCTION OF INTERIOR SIDE YARD FOR SEMI-DETACHED DWELLINGS**

Notwithstanding any other provision of this By-law to the contrary, no interior side yard shall be required where semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back as required elsewhere by the provisions of this By-law.

### **3.27 SEACANS, SHIPPING CONTAINERS AND STORAGE TRAILERS**

Notwithstanding any other provisions of this By-law to the contrary, no person shall place any seacan, shipping container or storage trailer in any Zone to be used for a commercial use or as an accessory structure for storage use except in accordance with the following provisions:

- (a) Except as provided in 3.27 (i) of this Section, a seacan, shipping container and storage trailer may only be used for commercial storage as an accessory use to a permitted commercial use on lands zoned in an Industrial zone, or other zone which permits the commercial use;
- (b) Notwithstanding any other provision in this By-law, seacans shall not be permitted in the Mixed Use zone;

- (c) Unless stated elsewhere in this By-law, no more than a cumulative total of three (3) seacans, shipping containers or storage trailers shall be permitted on any property in an industrial zone for commercial use;
- (d) Unless stated elsewhere in this By-law, no more than one (1) seacan, shipping container or storage trailer shall be permitted on any property in an agricultural zone or rural zone as an accessory structure for storage use;
- (e) No seacan, shipping container or storage trailer shall be permitted to be located in a minimum required front yard or in an exterior side yard;
- (f) Any seacan, shipping container or storage trailer shall be screened from view from the street and abutting properties in any zone other than an Industrial zone through the use of landscaping materials, and be aesthetically pleasing through the use of painted colour and signage that is to the satisfaction of Township Council;
- (g) Notwithstanding 3.27 (i) of this Section, any seacan, shipping container or storage trailer shall not be located in a required parking area and in no case shall encroach into any required minimum landscaped buffer or open space;
- (h) Notwithstanding any other provision of this Section to the contrary, a seacan, shipping container or storage trailer on a construction site in any Zone being developed on a standalone basis or under a Plan of Subdivision is permitted only for the purposes of storing equipment and materials incidental to construction, subject to the following restrictions:
  - o shall be subject to subsection 3.27 (e);
  - o not to exceed six (6) in number; and
  - o shall be removed from the site within 60 days of completing the work;
- (i) A seacan, shipping container or storage trailer shall not be placed for the purpose of display or advertising on a property;
- (j) A seacan, shipping container or storage trailer shall not be used for the purpose of screening or fencing;
- (k) A seacan, shipping container or storage trailer shall be included in all calculations for the purpose of determining maximum lot coverage; and
- (l) In any zone where a seacan, shipping container or storage trailer is permitted, a building permit will be required for the construction and installation of the accessory structure.



### **3.28 SECONDARY DWELLING UNITS**

Secondary dwelling units shall be developed in accordance with the following provisions:

- (a) A maximum of one secondary dwelling unit shall be permitted in a single-detached dwelling, a semi-detached dwelling or a townhouse where permitted by this By-law, provided that:
  - i. It does not change the streetscape character along the street where it is located;
  - ii. A building permit is required prior to the establishment of a secondary dwelling unit and must follow the requirements of the Ontario Building Code.
- (b) The doorway entrance that leads to a secondary dwelling unit is limited to locations on the ground floor only, except where building and fire codes dictate otherwise.
- (c) Parking for the secondary dwelling unit shall be provided in accordance with the parking provisions in this By-law.
- (d) Notwithstanding any other provision in this By-law, the required parking space for a secondary dwelling unit may be stacked behind the required parking space of the principle dwelling in the driveway. The creation of the secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit.
- (e) The secondary dwelling unit shall not exceed the size of the principal dwelling unit.
- (f) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.

### **3.29 SIGHT TRIANGLES**

Notwithstanding any other provision hereof to the contrary, the sight triangle requirements shall apply to any lot located at an intersection of two or more roads or of a road and a railway right-of-way, except that no sight triangle shall be required where this By-law does not require an exterior yard adjacent to any such road.

#### **3.29.1 Prohibition of Obstructions**

Within any part of a sight triangle as defined herein, no building, structure, sign, wall or fence shall be erected, located or placed, in whole or in part; no vehicle shall be parked or stored; no land shall be graded; and no landscaping materials or other vegetation shall be located or allowed to grow, in a manner as to impede or obstruct in any way the field of view across such sight triangle for persons driving vehicles on an abutting road, but in no case greater than 1 m in height above the average

elevation of the said sight triangle, determined by averaging the elevation of the three corner points thereof.

### **3.29.2 Extent of Sight Triangle**

For the purpose of calculating the extent of the sight triangle as defined in this By-law, a sight distance of 6 m shall apply in all cases.

## **3.30 SIGNS**

### **3.30.1 General**

No sign shall be erected, established, placed or located anywhere within any zoned area except for a sign specifically permitted in this By-law, in accordance with;

- (a) the specific provisions pertaining to signs set out in this By-law for each zone;
- (b) the general provisions set out in this Section; and
- (c) any applicable regulations of the Ontario Ministry of Transportation and Communications or any other government authority having jurisdiction to make such regulations; or
- (d) a sign permitted in accordance with the Sign By-law of the Corporation.

### **3.30.2 Height Restrictions**

- (a) No ground sign shall exceed 7.5 metres in height;
- (b) No roof sign shall exceed a height of 3 metres above the highest point of a roof. The highest part of the roof shall not include those exceptions to the height restrictions contained in Section 3.10, Height Restrictions of this By-law.

### **3.30.3 Construction Signs**

Construction signs shall be permitted in any zone subject to the following provisions:

- (a) Construction signs shall:
  - i. not exceed 2.5 m<sup>2</sup> in total sign area;
  - ii. be restricted to not more than two sign faces per lot; and
  - iii. be located on the lot to which they directly pertain.



### **3.30.4 Interior Signs**

The provisions of this By-law shall not apply to any interior sign located totally within a building and which is not visible from the exterior of the building.

### **3.30.5 Illuminated Signs and Light Fixtures**

Illuminated signs and all lighting fixtures providing exterior illumination on a lot shall be designed and installed so as to direct or deflect glare or spill-over light away from adjacent lots and roads; and not to impair the vision of persons driving vehicles on such roads.

## **3.31 SPECIAL SETBACKS**

### **3.31.1 Setback from High Water Mark**

Except as specifically permitted elsewhere in this By-law, the minimum setback to above ground or below ground structures shall be 30 m from the high water mark of any adjacent water body except where such building or structure is intended for flood or erosion control; and, no expansion of an existing use is permitted within this setback area.

### **3.31.2 Setback on Provincial Highway**

Notwithstanding any other provision of this By-law to the contrary, on lands adjacent to provincial highways, the minimum setback shall be in accordance with the regulations of the Ministry of Transportation.

### **3.31.3 Special Yard Requirements when Waterways are Involved**

Notwithstanding any other provision of this By-law to the contrary, where in this By-law, a front, side or rear yard is required, and part of the area of the lot in which such front, side or rear is required is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said riverbank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.



### **3.32 TRANSCANADA PIPELINE**

- (a) No permanent building or structure may be located within 7 m of the TransCanada Pipeline right-of-way.
- (b) Accessory structures shall have a minimum setback of at least 3 m from the limit of the right-of-way.

### **3.33 USES RESTRICTED IN ALL ZONES**

#### **3.33.1 Extractive Uses**

- (a) Notwithstanding any other provision of this By-law to the contrary, the making or establishment of mines, pits and quarries, other than permitted wayside pits or quarries, shall be expressly prohibited throughout the zoned area except where licensed by the Province of Ontario; and where specifically permitted by this By-law.
- (b) Notwithstanding any other provision of this By-law to the contrary, a mine, pit or quarry shall not be permitted within 100 metres of a waterfront, or dwelling, or 30 metres from a public road or watercourse.

#### **3.33.2 Dangerous Materials**

Notwithstanding any other provision of this By-law to the contrary, the refining, bulk storage or use in manufacturing of combustible, inflammable, volatile, explosive or otherwise dangerous solids, liquids or gases shall be expressly prohibited throughout the zoned area except in conjunction with a permitted industrial use, extractive use, forestry use, agricultural use, explosives depot or fuel depot or, in the case of vehicle fuels only, a permitted automotive use; and in accordance with any regulations lawfully imposed governing the safe handling and storage of such materials.

#### **3.33.3 Building on Unserviced Lots**

Notwithstanding any other provisions in this By-law to the contrary, no building or structure requiring water or sewage facilities shall be erected, altered or used on an unserviced lot if for any reason approval is not first obtained, wherever applicable, of private water or sewage facilities for such lot from the Health Unit or any other public agency having jurisdiction from time to time.



### **3.34 YARD ENCROACHMENTS**

#### **3.34.1 General Provisions**

No part of any required yard in any zone shall be obstructed by any building or structure, or part thereof, except for:

- (a) accessory buildings and structures specifically permitted by this By-law;
- (b) open metal fire escapes which may project not more than 1.5 m into a required yard;
- (c) open porches, balconies, sundecks, uncovered platform landing or steps which project not more than 1.5 m into any required yard.
- (d) architectural adornments and equipment including, but not necessarily restricted to sills, belt courses, chimneys, canopies, awnings, cornices, eaves, eavestroughs, gutters, pilasters, bay windows and heating and cooling equipment provided that no such adornments or equipment project more than 0.6 m into any required yard;
- (e) steps, ramp for use by handicapped and walkways which may project into any yard;
- (f) provided that no part of any such structure, projection, adornment or equipment is located closer than 0.6 m to any lot line or in any way obstructs a required parking space or driveway.

#### **3.34.2 Exceptions for Water-related Ancillary Uses**

Nothing in this By-law shall apply to prevent the obstruction of a required yard by water-related ancillary structures, other than buildings, at the edge of a waterbody subject to any other approvals required by law.

#### **3.34.3 Exceptions for Automobile Service Stations and Gas Bars**

Pump islands and canopies shall comply with all interior side yard and rear yard requirements of this By-law and shall be permitted within a required front yard and exterior side yard, provided that no part of any pump island or canopy shall be located closer than 6 m to any street line.

## SECTION 4 AGRICULTURAL ZONES

### 4.1 AGRICULTURAL (AG) ZONE

#### Scope

The provisions of this Section shall apply in all Agricultural (AG) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 4.1.1 Permitted Uses

No person shall within any Agricultural Zone (AG), use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Agricultural use
- Agricultural-related use
- Conservation use
- Farm help house
- Forestry use
- Garden suite
- Guest cabin
- Home industry
- Home occupation
- Mineral exploration
- Mineral extraction
- Mobile home dwelling
- Single-detached dwelling

#### 4.1.2 Zone Requirements

No person shall, within any AG Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                     |
|--|---------------------|
| (a) Minimum Lot Area                   | - 40 ha             |
| (b) Minimum Lot Frontage               | - 90 m              |
| (c) Minimum Front Yard Setback         | - 15 m              |
| (d) Minimum Exterior Side Yard Setback | - 15 m              |
| (e) Minimum Interior Side Yard Setback | - 15 m              |
| (f) Minimum Rear Yard Setback          | - 15 m              |
| (g) Maximum Height                     | - 10.5 m            |
| (h) Minimum Dwelling Unit Area         | - 60 m <sup>2</sup> |



- (i) Maximum Lot Coverage - 15%
- (j) Maximum Main Buildings Per Lot
  - residential uses - 1 only
  - other uses – no maximum

## SECTION 5 RESIDENTIAL ZONES

### 5.1 RESIDENTIAL (R1) ZONE

#### Scope

The provisions of this Section shall apply in all Residential (R1) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 5.1.1 Permitted Uses

No person shall, within any Residential (R1) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Bed and breakfast establishment
- Community gardens
- Duplex dwelling
- Existing convenience store
- Garden suite
- Home occupation
- Modular home dwelling
- Semi-detached dwelling
- Single-detached dwelling

#### 5.1.2 Zone Requirements

No person shall, within any R1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                                  |
|--|----------------------------------|
| (a) Minimum Lot Area                   | - 450 m <sup>2</sup>             |
| (b) Minimum Lot Frontage               | - 15 m                           |
| (c) Minimum Lot Depth                  | - 30 m                           |
| (d) Minimum Front Yard Setback         | - 6 m                            |
| (e) Minimum Exterior Side Yard Setback | - 4.5 m                          |
| (f) Minimum Interior Side Yard Setback | - 1.5 m one side; 3 m other side |
| (g) Minimum Rear Yard Setback          | - 6 m                            |
| (h) Maximum Lot Coverage               | - 40%                            |
| (i) Maximum Main Buildings Per Lot     | - 1 only                         |



## 5.2 APARTMENT RESIDENTIAL (R2) ZONE

### Scope

The provisions of this Section shall apply in all Apartment Residential (R2) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 5.2.1 Permitted Uses

No person shall, within any Apartment Residential (R2) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Community gardens
- Home occupation
- Multiple dwelling

#### 5.2.2 Zone Requirements

No person shall, within any R2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (a) Minimum Lot Area                   | - 900 m <sup>2</sup> |
| (b) Minimum Lot Frontage               | - 30 m               |
| (c) Minimum Lot Depth                  | - 30 m               |
| (d) Minimum Front Yard Setback         | - 6 m                |
| (e) Minimum Exterior Side Yard Setback | - 6 m                |
| (f) Minimum Interior Side Yard Setback | - 4.5 m              |
| (g) Minimum Rear Yard Setback          | - 6 m                |
| (h) Maximum Lot Coverage               | - 50 %               |
| (i) Maximum Main Buildings Per Lot     | - 1 only             |

## 5.3 MIXED USE (R3) ZONE

### Scope

The provisions of this Section shall apply in all Mixed Use (R3) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 5.3.1 Permitted Uses

No person shall within any Mixed Use (R3) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Accessory dwelling unit
- Boarding house dwelling
- Business or professional office
- Commercial use
- Community gardens
- Home occupation
- Institutional use
- Multiple dwelling
- Parking lot
- Retail store

#### 5.3.2 Zone Requirements

No person shall within any Mixed Use (R3) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                    |              |
|------------------------------------|--------------|
| (a) Minimum Lot Area               | - no minimum |
| (b) Minimum Lot Frontage           | - no minimum |
| (c) Minimum Lot Depth              | - no minimum |
| (d) Minimum Front Yard Setback     | - 3 m        |
| (e) Minimum Rear Yard Setback      | - 7.5 m      |
| (f) Minimum Side Yard Setback      | - 3 m        |
| (g) Maximum Lot Coverage           | - 75 %       |
| (h) Maximum Main Buildings Per Lot | - 1 only     |



## SECTION 6 COMMERCIAL ZONES

### 6.1 HIGHWAY COMMERCIAL (HC) ZONE

#### Scope

The provisions of this Section shall apply in all Highway Commercial (HC) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 6.1.1 Permitted Uses

No person shall within any Highway Commercial (HC) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Accessory dwelling unit
- Highway commercial use
- Outdoor storage area
- Parking area
- Retail store accessory to a permitted use in the HC zone

#### 6.1.2 Zone Requirements

No person shall within any Highway Commercial (HC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (a) Minimum Lot Area                   | - 900 m <sup>2</sup> |
| (b) Minimum Lot Frontage               | - 30 m               |
| (c) Minimum Lot Depth                  | - 30 m               |
| (d) Minimum Front Yard Setback         | - 7.5 m              |
| (e) Minimum Rear Yard Setback          | - 7.5 m              |
| (f) Minimum Interior Side Yard Setback | - 7.5 m              |
| (g) Minimum Exterior Side Yard Setback | - 4.5 m              |
| (h) Maximum Lot Coverage               | - 50 %               |
| (i) Main Buildings Per Lot             | - 1 only             |



## 6.2 TOURIST COMMERCIAL (TC) ZONE

### Scope

The provisions of this Section shall apply in all Tourist Commercial (TC) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 6.2.1 Permitted Uses

No person shall within any Tourist Commercial (TC) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Accessory dwelling or an accessory dwelling unit
- Marina
- Retail store accessory to a permitted use in the TC zone
- Seasonal dwelling
- Tourist commercial use

#### 6.2.2 Zone Requirements

No person shall within any Tourist Commercial (TC) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                 |          |
|---------------------------------|----------|
| (a) Minimum Lot Area            | - 2 ha   |
| (b) Minimum Lot Frontage        | - 100 m  |
| (c) Minimum Lot Depth           | - 100 m  |
| (d) Minimum Front Yard Setback  | - 7.5 m  |
| (e) Minimum Rear Yard Setback   | - 7.5 m  |
| (f) Minimum Side Yard Setback   | - 7.5 m  |
| (g) Minimum Building Separation | - 3 m    |
| (h) Maximum Lot Coverage        | - 10 %   |
| (i) Dwelling Units per Lot      | - 1 only |



## SECTION 7 INSTITUTIONAL ZONES

### 7.1 INSTITUTIONAL (I) ZONE

#### Scope

The provisions of this Section shall apply in all Institutional (I) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 7.1.1 Permitted Uses

No person shall within any Institutional (I) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Accessory dwelling unit
- Institutional use

#### 7.1.2 Zone Requirements

No person shall within any Institutional (I) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |  |                      |
|--|----------------------|
| (a) Minimum Lot Area                   | - 450 m <sup>2</sup> |
| (b) Minimum Lot Frontage               | - 15 m               |
| (c) Minimum Lot Depth                  | - 30 m               |
| (d) Minimum Front Yard Setback         | - 6 m                |
| (e) Minimum Rear Yard Setback          | - 6 m                |
| (f) Minimum Interior Side Yard Setback | - 3 m                |
| (g) Minimum Exterior Side Yard Setback | - 4.5 m              |
| (h) Maximum Lot Coverage               | - 50 %               |

## SECTION 8 INDUSTRIAL ZONES

### 8.1 GENERAL INDUSTRIAL (M1) ZONE

#### Scope

The provisions of this Section shall apply in all Industrial (M1) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 8.1.1 Permitted Uses

No person shall within any Industrial (M1) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Industrial use
- Light industrial use
- Outdoor storage area
- Parking lot
- Retail, office or commercial use accessory to permitted use in the M1 zone

#### 8.1.2 Zone Requirements

No person shall within any Industrial (M1) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                    |                      |
|------------------------------------|----------------------|
| (a) Minimum Lot Area               | - 900 m <sup>2</sup> |
| (b) Minimum Lot Frontage           | - 30 m               |
| (c) Minimum Lot Depth              | - 30 m               |
| (d) Minimum Front Yard Setback     | - 6 m                |
| (e) Minimum Rear Yard Setback      | - 6 m                |
| (f) Minimum Side Yard Setback      | - 6 m                |
| (g) Maximum Lot Coverage           | - 50 %               |
| (h) Maximum Main Buildings Per Lot | - no maximum         |
| (i) Minimum Building Separation    | - 3 m                |



## SECTION 9 RURAL ZONES

### 9.1 RURAL (RU) ZONE

#### Scope

The provisions of this Section shall apply in all Rural (RU) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 9.1.1 Permitted Uses

No person shall within any Rural (RU) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Agricultural use
- Agricultural-related use
- Bed and breakfast establishment
- Camp
- Campground
- Community gardens
- Conservation use
- Duplex dwelling
- Existing commercial use
- Existing industrial use
- Existing institutional use
- Existing salvage yard
- Forestry use
- Garden suite
- Home industry
- Home occupation
- Kennel
- Landfill site
- Marina
- Mineral exploration
- Mineral extraction
- Mining use
- Mobile home dwelling
- Park
- Pit
- Private cabin, accessory to a seasonal dwelling
- Quarry
- Recreation use
- Seasonal dwelling
- Semi-detached dwelling
- Single-detached dwelling
- Sewage treatment facility
- Wayside pit or wayside quarry

#### 9.1.2 Zone Requirements

No person shall within any Rural (RU) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                |          |
|--------------------------------|----------|
| (a) Minimum Lot Area           | - 0.8 ha |
| (b) Minimum Lot Frontage       | - 100 m  |
| (c) Minimum Lot Depth          | - 100 m  |
| (d) Minimum Front Yard Setback | - 15 m   |

- (e) Minimum Rear Yard Setback - 15 m
- (f) Minimum Side Yard Setback - 10 m
- (g) Maximum Lot Coverage - 10 %
- (h) Maximum Main Buildings Per Lot
  - residential uses – 1 only
  - other uses – no maximum
- (i) Maximum Camps Per Lot - 2

(j) Special Restrictions Near Residential Lots And Zones:

Notwithstanding any other provision of this By-law to the contrary, no feed lot directly associated with an agricultural use, nor any non-residential building or structure directly associated with an intensive agricultural use or commercial kennel or with the cutting or sawing of timber, shall hereafter be established or erected closer than 300 m to a residential building or a Residential zone.

(k) Special Provisions for Mining Uses, Pits and Quarries:

Notwithstanding any other provision of this By-law to the contrary, the minimum front, rear or side yard for a mining use, pit or quarry shall be 75 m; and no buildings or structures or outdoor storage shall be permitted in any required yard.

(l) Special Provisions for Landfill Sites, Sewage Treatment Facilities and Salvage Yards:

Notwithstanding any other provision of this By-law to the contrary, the minimum front, rear or side yard for a landfill site, sewage treatment facility or salvage yard shall be 75 m; and no buildings or structures or outdoor storage shall be permitted in any required yard.

(m) Special Restrictions for Recreational Vehicles:

Notwithstanding any other provision of this By-law to the contrary, a maximum of two (2) recreational vehicles shall be stored on lands zoned Rural.



## 9.2 SHORELINE (SH) ZONE

### Scope

The provisions of this Section shall apply in all Shoreline (SH) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 9.2.1 Permitted Uses

No person shall within any Shoreline (SH) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Marina
- Seasonal dwelling
- Tourist commercial use

#### 9.2.2 Zone Requirements

No person shall within any Shoreline (SH) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 2 ha   |
| (b) Minimum Lot Frontage           | - 100 m  |
| (c) Minimum Lot Depth              | - 100 m  |
| (d) Minimum Front Yard Setback     | - 15 m   |
| (e) Minimum Rear Yard Setback      | - 15 m   |
| (f) Minimum Side Yard Setback      | - 10 m   |
| (g) Maximum Lot Coverage           | - 10 %   |
| (h) Maximum Main Buildings Per Lot | - residential uses – 1 only<br>- other uses – no maximum |

## 9.3 OPEN SPACE (OS) ZONE

### Scope

The provisions of this Section shall apply in all Open Space (OS) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 9.3.1 Permitted Uses

No person shall within any Open Space (OS) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Community garden
- Conservation use
- Marina
- Outdoor recreation area
- Recreation facility
- Tourist information centre

#### 9.3.2 Zone Requirements

No person shall within any Open Space (OS) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                    |                      |
|------------------------------------|----------------------|
| (a) Minimum Lot Area               | - 450 m <sup>2</sup> |
| (b) Minimum Lot Frontage           | - 15 m               |
| (c) Minimum Lot Depth              | - 30 m               |
| (d) Minimum Front Yard Setback     | - 6 m                |
| (e) Minimum Rear Yard Setback      | - 6 m                |
| (f) Minimum Side Yard Setback      | - 6 m                |
| (g) Maximum Lot Coverage           | - 10 %               |
| (h) Maximum Main Buildings Per Lot | - 1 only             |



## 9.4 HAZARD (HAZ) ZONE

### Scope

The provisions of this Section shall apply in all Hazard (HAZ) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

#### 9.4.1 Permitted Uses

No person shall within any Hazard (HAZ) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Agricultural use
- Conservation use
- Forestry use
- Outdoor recreation area

#### 9.4.2 Zone Requirements

No person shall within any Hazard (HAZ) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Minimum Zone Requirements:

The general provisions of Section 3 of this By-law apply except as otherwise provided in this Subsection.

(b) No New Buildings and Structures:

No new buildings or structures and no enlargement, extension or replacement to an existing building or structure shall be permitted, except where such buildings or structures are otherwise specifically permitted in this By-law.

(c) Outdoor storage Areas:

No outdoor storage shall be permitted in any Hazard (HAZ) Zone.



## **9.5 SENSITIVE (SEN) ZONE**

### **Scope**

The provisions of this Section shall apply in all Sensitive (SEN) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

### **9.5.1 Permitted Uses**

No person shall within any Sensitive (SEN) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Conservation use

### **9.5.2 Zone Requirements**

No person shall within any Sensitive (SEN) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Minimum Zone Requirements:

The general provisions of Section 3 of this By-law apply except as otherwise provided in this Subsection.

(b) No New Buildings and Structures:

No new buildings or structures and no enlargement, extension or replacement to an existing building or structure shall be permitted, except where such buildings or structures are otherwise specifically permitted in this By-law.

(c) Outdoor storage Areas:

No outdoor storage shall be permitted in any Sensitive (SEN) Zone.



## 9.6 WASTE DISPOSAL (WD) ZONE

The provisions of this Section shall apply in all Waste Disposal(WD) Zones in addition to the General Provisions set out in this By-law, except as otherwise provided in this By-law.

### 9.6.1 Permitted Uses

No person shall within any Waste Disposal (WD) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Solid waste disposal facility
- Waste processing and transfer facility

### 9.6.2 Zone Requirements

No person shall within any Waste Disposal (WD) Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |                                |         |
|--------------------------------|---------|
| (a) Minimum Lot Frontage       | - 100 m |
| (b) Minimum Lot Area           | - 10 ha |
| (c) Minimum Front Yard Setback | - 20 m  |
| (d) Minimum Side Yard Setback  | - 20 m  |
| (e) Minimum Rear Yard Setback  | - 20 m  |

## SECTION 10 SPECIAL ZONES

### 10.1 SPECIAL ZONE PROVISIONS

#### Scope

Whenever a zone symbol on the Schedules is followed by a dash and a number, the lands so designated shall be subject to, and used in accordance with, all the provisions of this By-law applicable to the zone represented by such symbol except as specifically provided by the special provisions of the special zone set out in this Section of the By-law.

### 10.2 SPECIAL RESIDENTIAL ZONES

#### 10.2.1 R1-1 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R1-1 on the Schedules, all provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Group home
- Home occupation
- Home profession
- Single-detached dwelling

#### (2) Zone Requirements

All provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

- |                                     |  |
|-------------------------------------|--|
| (a) Minimum Lot Area                | - 2000 m <sup>2</sup>  |
| (b) Minimum Lot Frontage            | - 40 m   |
| (c) Maximum Dwelling Houses Per Lot | - 1 only   |
| (d) Maximum Building Area           | - 15%, provided that accessory uses shall occupy not more than 5% of the lot |
| (e) Minimum Front Yard              | - 7.5 m  |
| (f) Minimum Exterior side Yard      | - 7.5 m  |
| (g) Minimum Rear Yard               | - main building: 10 m<br>- accessory buildings: 3 m                          |



(h) Minimum Side Yard	- main building : 6 m - accessory buildings: 3 m
(i) Minimum Building Separation	- 1.5 m
(j) Minimum Building Height	- main building: 10 m - accessory buildings: 7 m
(k) Minimum Dwelling Unit Area	- 100 m <sup>2</sup>
(l) Minimum Landscaped Area	- 60%
(m) Minimum Entrance Setback	- 9 m
(n) Minimum Parking Spaces	- residential uses: 1 per dwelling unit - non-residential uses, the greater of: 2 per lot; or 1 for each m <sup>2</sup> of net floor area or portion thereof.
(o) Minimum Parking Area Setback	- no part of any parking space shall be located closer than 1.5 m to any street line; or, 3 m to any other lot line.

### 10.2.2 R1-2 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R1-2 on the Schedules, all provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Duplex dwelling
- Group home
- Home occupation
- Home profession
- Single-detached dwelling

#### (2) Zone Requirements

All provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

(a) Minimum Dwelling Unit Area	- 92.9 m <sup>2</sup>
--------------------------------	-----------------------

**10.2.3 R1-3 (Former Township of Black River-Matheson By-law No. 1081-92)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R1-3 on the Schedules, all provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- Home occupation
- Home profession
- Single-detached dwelling

**(2) Zone Requirements**

All provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

- |                           |  |
|---------------------------|--|
| (a) Minimum Lot Area      | - 470 m <sup>2</sup>   |
| (b) Minimum Lot Frontage  | - 11 m   |
| (c) Minimum Building Area | - 30%, provided that accessory uses shall not occupy more than 10% of the lot. |
| (d) Minimum Side Yard     | - 1.25 m   |

**10.2.4 R1-4 (Former Township of Black River-Matheson By-law No. 1186-95)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R1-4 on the Schedules, all provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- Converted dwelling
- Group home
- Home occupation
- Home profession
- Single-detached dwelling



## (2) Zone Requirements

All provisions of this By-law applicable to the R1 Zone shall apply subject to the following provisions:

- (a) Minimum Lot Frontage - 12 m
- (b) Minimum Rear Yard - 2 m

## 10.3 SPECIAL APARTMENT RESIDENTIAL ZONES

### 10.3.1 R2-1 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R2-1 on the Schedules, all provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Retirement home

#### (2) Zone Requirements

All provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

- |                                     |  |
|-------------------------------------|--|
| (a) Minimum Lot Frontage            | - 50 m   |
| (b) Maximum Dwelling Houses Per Lot | - 1 only   |
| (c) Maximum Building Area           | - 30%, provided that accessory uses shall occupy not more than 10% of the lot  |
| (d) Minimum Front Yard              | - 10 m   |
| (e) Minimum Exterior Side Yard      | - 7.5 m  |
| (f) Minimum Rear Yard               | - 10 m   |
| (g) Minimum Side Yard               | - 5 m  |
| (h) Minimum Building Separation     | - 3 m  |
| (i) Minimum Building Height         | - 10 m   |
| (j) Minimum Landscaped Area         | - 50%  |
| (k) Minimum Entrances Per Lot       | - 2  |
| (l) Minimum Entrance Separation     | - 15 m   |
| (m) Minimum Entrance Setback        | - 9 m  |
| (n) Minimum Parking Spaces          | - 1.25 per dwelling unit   |
| (o) Minimum Parking Area Setback    | - no part of any parking space shall be located closer than 1.5 m to any street line; or, 5 m to any other lot line. |



### 10.3.2 R2-2 (Former Township of Black River-Matheson By-law No. 1024-90)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R2-2 on the Schedules, all provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Apartment building

#### (2) Zone Requirements

All provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

- |                       |                       |
|-----------------------|-----------------------|
| (a) Minimum Lot Area  | - 1500 m <sup>2</sup> |
| (b) Minimum Side Yard | - one side: 3 m       |
|                       | - other side: nil     |

### 10.3.3 R2-3 (Former Township of Black River-Matheson By-law No. 2013-25)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R2-43 on the Schedules, all provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

#### (1) Zone Requirements

- |  |              |
|--|--------------|
| (a) Minimum Lot Frontage               | - no minimum |
| (b) Minimum Lot Depth                  | - no minimum |
| (c) Minimum Front Yard Setback         | - 3 m        |
| (d) Minimum Exterior Side Yard Setback | - 3 m        |
| (e) Minimum Interior Side Yard Setback | - 3m         |
| (f) Minimum Rear Yard Setback          | - 7.5 m      |
| (g) Maximum Lot Coverage               | - 75%        |
| (h) Maximum Main Buildings Per Lot     | - 1 only     |



**10.3.4 R2-4 (Former Township of Black River-Matheson By-law No. 2013-32)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R2-4 on the Schedules, all provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- One multiple dwelling

**(2) Zone Requirements**

All provisions of this By-law applicable to the R2 Zone shall apply subject to the following provisions:

- (a) Minimum Lot Frontage - 20 m



## 10.4 SPECIAL MIXED USE ZONES

### 10.4.1 R3-1 (Former Township of Black River-Matheson By-law No. 1066-91) (formerly C1-1)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R3-1 on the Schedules, all provisions of this By-law applicable to the R3-1 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Accessory dwelling unit
- Dining room
- Parking lot
- Restaurant
- Take-out restaurant

#### (2) Zone Requirements

All provisions of this By-law applicable to the R3 Zone shall apply subject to the following provisions:

- |                                   |       |
|-----------------------------------|-------|
| (a) Minimum Exterior Side Setback | - nil |
| (b) Minimum Side Yard             | - 1 m |

### 10.4.2 R3-2 (Former Township of Black River-Matheson By-law No. 32-2004)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R3-2 on the Schedules, all provisions of this By-law applicable to the R3 Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Tourist information centre, museum, gift store, food outlet and accessory uses
- Any use permitted in a R3 zone

**10.4.3 R3-3 (Former Township of Black River-Matheson By-law No. 30-2008)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated R3-3 on the Schedules, all provisions of this By-law applicable to the R3 Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- Residential garage as an accessory use or main use
- Any use permitted in a R3 zone



## **10.5 SPECIAL HIGHWAY COMMERCIAL ZONES**

### **10.5.1 HC-1 (Former Township of Black River-Matheson By-law No. 2015-32) (Formerly C2-1)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated HC-1 on the Schedules, all provisions of the By-law applicable to the HC Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Container type refueling station with no full-time employees

## **10.6 SPECIAL TOURIST COMMERCIAL ZONES**

### **10.6.1 TC-1 (Former Township of Black River-Matheson By-law No. 1131-94)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated TC-1 on the Schedules, all provisions of this By-law applicable to the TC Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Accessory dwelling
- Accessory dwelling unit
- Commercial fishing operation
- Dining room
- Fuel pump island
- Marina
- Marine facility
- Outdoor storage area
- Private fuel pump island
- Recreational facility, accessory to a TC use
- Retail store, accessory to a TC use
- Take-out restaurant
- Tourist commercial use
- Tourist commercial use management office
- Tourist establishment
- Tourist outfitter
- Vehicle agency

#### **(2) Zone Requirements**

All provisions of this By-law applicable to the TC Zone shall apply subject to the following provisions:

- (a) Minimum Dwelling Unit Area                      - 92.9 m<sup>2</sup>



## 10.6.2 TC-2 (Former Township of Black River-Matheson By-law No. 2074-98)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated TC-2 on the Schedules, all provisions of this By-law applicable to the TC Zone shall apply subject to the following provisions:

### (1) Permitted Uses

The only permitted uses shall be:

- Accessory dwelling
- Horse barn
- Tourist establishment

### (2) Zone Requirements

All provisions of this By-law applicable to the TC Zone shall apply subject to the following provisions:

- |   |  |
|---|--|
| (a) Minimum Lot Area  | - 56 ha                                      |
| (b) Minimum Lot Frontage  | - 60 m                                       |
| (c) Maximum Dwelling Units Per Lot  | - 1 only                                     |
| (d) Maximum Building Area   | - 20%  |
| (e) Minimum Front Yard  | - 10 m                                       |
| (f) Minimum Rear Yard   | - marina facility: nil<br>- other uses: 10 m |
| (g) Minimum Side Yard   | - 10 m                                       |
| (h) Minimum Building Separation   | - 50 m                                       |
| (i) Maximum Building Height   | - 10 m                                       |
| (j) Maximum Number of Rental Cabins                                       | - 3  |
| (k) Maximum Size of Rental Cabins   | - 42 m <sup>2</sup>                          |
| (l) Minimum Separation between 150 m<br>Agricultural and Non-agricultural | - 150 m                                      |
| (m) Minimum Parking Spaces  | - 4  |

## 10.7 SPECIAL INSTITUTIONAL ZONES

### 10.7.1 I-1 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated I-1 on the Schedules, all provisions of this By-law applicable to the I Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Cemetery
- Place of worship
- Recreational facility
- School
- Single-detached dwelling, accessory to a place of worship
- Tourist information office

#### (2) Zone Requirements

All provisions of this By-law applicable to the I Zone shall apply subject to the following provisions:

- |                                    |   |
|------------------------------------|---|
| (a) Minimum Lot Area               | - 1400 m <sup>2</sup>   |
| (b) Minimum Lot Frontage           | - 40 m  |
| (c) Maximum Dwelling Units Per Lot | - 1 only  |
| (d) Maximum Building Area          | - 15%   |
| (e) Minimum Front Yard             | - 9 m   |
| (f) Minimum Exterior Side Yard     | - 9 m   |
| (g) Minimum Rear Yard              | - 7.5 m   |
| (h) Minimum Side Yard              | - 6 m   |
| (i) Minimum Building Separation    | - 3 m   |
| (j) Maximum Building Height        | - 10 m  |
| (k) Minimum Dwelling Unit Area     | - 65 m <sup>2</sup>   |
| (l) Minimum Landscaped Area        | - 20%   |
| (m) Maximum Entrances Per Lot      | - 2   |
| (n) Minimum Entrance Separation    | - 15 m  |
| (o) Minimum Entrance Setback       | - 9 m   |
| (p) Minimum Parking Spaces         | - residential uses: 1 per dwelling unit<br>- place of worship: 1 for each 10 m <sup>2</sup> of net floor area or portion thereof. |



- (q) Minimum Parking Area Setback
- recreation facility: 1 for each 25 m<sup>2</sup> of net floor area or portion thereof.
  - school : 1 for each 50 m<sup>2</sup> of net floor area or portion thereof.
  - other non-residential uses: nil
  - no part of any parking space shall be located closer than 1.5 m to any street line; or, 6 m to any other lot line.

### **10.7.2 I-2 (Former Township of Black River-Matheson By-law No. 42-2008)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated I-2 on the Schedules, all provisions of this By-law applicable to the I Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Place of worship



## **10.8 SPECIAL INDUSTRIAL ZONES**

(RESERVED FOR FUTURE USE)



## 10.9 SPECIAL RURAL ZONES

### 10.9.1 RU-1 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-1 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Accessory single-detached dwelling
- Commercial greenhouse
- Outdoor storage area

#### (2) Zone Requirements

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 2000 m <sup>2</sup>  |
| (b) Minimum Lot Frontage           | - 45 m   |
| (c) Maximum Dwelling Units Per Lot | - 1 only   |
| (d) Maximum Building Area          | - 30%  |
| (e) Minimum Front Yard             | - 10 m   |
| (f) Minimum Exterior Side Yard     | - 10 m   |
| (g) Minimum Rear Yard              | - 7.5 m  |
| (h) Minimum Side Yard              | - 7.5 m  |
| (i) Minimum Building Separation    | - 3 m  |
| (j) Maximum Building Height        | - 10 m   |
| (k) Minimum Landscaped Area        | - 20%  |
| (l) Minimum Entrance Setback       | - 10 m   |
| (m) Minimum Parking Spaces         | - residential uses: 1 per lot<br>- non-residential uses: 5 per lot |

#### (n) Outdoor storage area regulations

No outdoor storage area shall be permitted except in accordance with the following provisions:

- o no outdoor storage area shall be permitted in a side yard adjacent to a rear lot line of such lot which abuts a residential zone;
- o no outdoor storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a residential zone;

- o every outdoor storage area or lot having an outdoor storage area situated thereon shall be enclosed by a wall or fence not less than 2.0 metres in height and constructed of uniform material;
- o no portion of any outdoor storage area for combustible materials shall be located closer than 6 metres to any lot line.

### **10.9.2 RU-2 (Former Township of Black River-Matheson By-law No. 886-88)**

(Reserved for Future Use)

### **10.9.3 RU-3 (Former Township of Black River-Matheson By-law No. 886-88)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-3 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Abattoir
- Single dwelling

#### **(2) Zone Requirements**

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                                    |                       |
|------------------------------------|-----------------------|
| (a) Minimum Lot Area               | - 1400 m <sup>2</sup> |
| (b) Minimum Lot Frontage           | - 30 m                |
| (c) Maximum Dwelling Units Per Lot | - 1 only              |
| (d) Maximum Building Area          | - 50%                 |
| (e) Minimum Front Yard             | - 9 m                 |
| (f) Minimum Exterior Side Yard     | - 9 m                 |
| (g) Minimum Rear Yard              | - 7.5 m               |
| (h) Minimum Side Yard              | - 6 m                 |
| (i) Minimum Building Separation    | - 3 m                 |
| (j) Maximum Building Height        | - 10 m                |
| (k) Minimum Dwelling Unit Area     | - 65 m <sup>2</sup>   |
| (l) Minimum Landscaped Area        | - 20%                 |
| (m) Maximum Entrances Per Lot      | - 2                   |
| (n) Minimum Entrance Separation    | - 15 m                |



- |                              |   |
|------------------------------|---|
| (o) Minimum Entrance Setback | - 9 m   |
| (p) Minimum Parking Spaces   | - residential uses: 1 per dwelling unit<br>- non-residential uses: 1 for each 20 m <sup>2</sup> of net floor area or portion thereof. |
| (q) Parking Space Location   | - no part of any parking space shall be located closer than 1.5 m to any street line; or, 6 m to any other lot line.                  |

#### 10.9.4 RU-4 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-4 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

##### (1) Permitted Uses

The only permitted uses shall be:

- Equipment storage building

##### (2) Zone Requirements

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 1000 m <sup>2</sup>  |
| (b) Maximum Lot Area               | - 6000 m <sup>2</sup>  |
| (c) Minimum Lot Frontage           | - 20 m   |
| (d) Maximum Dwelling Units Per Lot | - nil  |
| (e) Maximum Building Area          | - 20%  |
| (f) Minimum Front Yard             | - 15 m   |
| (g) Minimum Rear Yard              | - 15 m   |
| (h) Minimum Side Yard              | - east side: 9 m<br>- west side: 15 m  |
| (i) Minimum Building Separation    | - 3 m  |
| (j) Maximum Building Height        | - 10 m   |
| (k) Minimum Dwelling Unit Area     | - 65 m <sup>2</sup>  |
| (l) Minimum Landscaped Area        | - 20%  |
| (m) Maximum Entrances Per Lot      | - 1  |
| (n) Minimum Parking Spaces         | - 2  |
| (o) Parking Space Location         | - no part of any parking space shall be located closer than 1.5 m to any street line; or, 6 m to |

any other lot line.

### 10.9.5 RU-5 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-5 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Equipment storage building
- Home occupation
- Outdoor storage
- Private airstrip
- Private fuel pump island
- Seasonal dwelling
- Small aircraft assembly building
- Small aircraft storage building

#### (2) Zone Requirements

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 80000 m <sup>2</sup>   |
| (b) Minimum Lot Frontage           | - 100 m  |
| (c) Maximum Dwelling Units Per Lot | - seasonal dwelling: 1 only  |
| (d) Maximum Building Area          | - 10%  |
| (e) Minimum Front Yard             | - 15 m   |
| (f) Minimum Rear Yard              | - 15 m   |
| (g) Minimum Side Yard              | - 10 m   |
| (h) Minimum Building Separation    | - 5 m  |
| (i) Maximum Building Height        | - 10 m   |
| (j) Minimum Dwelling Unit Area     | - seasonal dwelling: 45 m <sup>2</sup>   |
| (k) Minimum Landscaped Area        | - 30%  |
| (l) Minimum Entrances per Lot      | - 2  |
| (m) Minimum Parking Spaces         | - residential uses: 2<br>- non-residential uses: 1 per 2000 m <sup>2</sup> of<br>building area |
| (n) Parking Space Location         | No part of any parking space shall be located closer than 7.5 m to any street line.            |



## (o) Outdoor storage area regulations

No outdoor storage area shall be permitted except in accordance with the following provisions:

- i. no outdoor storage area shall be permitted in a front yard or an exterior side yard;
- ii. no outdoor storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a residential zone;
- iii. no outdoor storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a residential zone;
- iv. every outdoor storage area or lot having an outdoor storage area situated thereon shall be enclosed by a wall or fence not less than 2 m in height and constructed of a uniform material;
- v. no portion of any outdoor storage area for combustible materials shall be located closer than 6 m to any lot line.

**10.9.6 RU-6 (Former Township of Black River-Matheson By-law No. 1034-91)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-6 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- Seasonal dwelling

**(2) Zone Requirements**

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 20000 m <sup>2</sup>                             |
| (b) Minimum Lot Frontage           | - 80 m   |
| (c) Maximum Dwelling Units Per Lot | - 1 only   |
| (d) Maximum Building Area          | - 5%   |
| (e) Minimum Front Yard             | - 15 m   |
| (f) Minimum Rear Yard              | - 15 m   |
| (g) Minimum Side Yard              | - 10 m   |
| (h) Minimum Building Separation    | - 3 m  |
| (i) Maximum Building Height        | - main building: 10 m<br>- accessory building: 4 m |

- |                                |   |
|--------------------------------|---|
| (j) Minimum Dwelling Unit area | - seasonal dwelling: 50 m <sup>2</sup>  |
| (k) Minimum Landscaped Area    | - 30%   |
| (l) Minimum Entrances Per Lot  | - 2   |
| (m) Minimum Parking Spaces     | - 1 for each dwelling unit  |
| (n) Parking Space Location     | - No part of any parking space shall be located closer than 7.5 m to any street line. |

### **10.9.7 RU-7 (Former Township of Black River-Matheson By-law No. 2067-98)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-7 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Home occupation
- Home profession
- Single-detached dwelling

#### **(2) Zone Requirements**

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |   |  |
|---|--|
| (a) Minimum Lot Area  | - 4000 m <sup>2</sup>                              |
| (b) Minimum Lot Frontage  | - 40 m   |
| (c) Minimum Front Yard  | - 15 m   |
| (d) Minimum Rear Yard   | - 15 m   |
| (e) Minimum Side Yard   | - 15 m   |
| (f) Minimum Building Separation   | - 3 m  |
| (g) Minimum Parking Spaces  | - 1  |
| (h) Maximum Building Height   | - main building: 10 m<br>- accessory building: 4 m |
| (i) Maximum Lot Coverage  | - 15%  |
| (j) No dwelling shall be located closer than 90 m to the centre line of a railway line. |  |



### **10.9.8 RU-8 (Former Township of Black River-Matheson By-law No. 2046-97)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-8 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Group home
- Home occupation
- Home profession
- Marine facility
- Single-detached dwelling

#### **(2) Zone Requirements**

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- |                           |   |
|---------------------------|---|
| (a) Minimum Dwelling Area | - 100 m <sup>2</sup>  |
| (b) Minimum Water Setback | - No building or structure, other than a marine facility, shall be located within 30 m or the 251.11 metre CGD elevation. |

### **10.9.9 RU-9 (Former Township of Black River-Matheson By-law No. 2110-99)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated RU-9 on the Schedules, all provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

#### **(1) Permitted Uses**

The only permitted uses shall be:

- Apartment dwelling containing not more than 9 dwelling units
- Commercial storage building not to exceed 655 m<sup>2</sup> in size



**(2) Zone Requirements**

All provisions of this By-law applicable to the RU Zone shall apply subject to the following provisions:

- (a) Minimum Lot Area - 35000 m<sup>2</sup>
- (b) Minimum Lot Frontage - 120 m
- (c) Maximum Dwelling Units Per Lot - 1 only
- (d) Maximum Building Area - 20%
- (e) Minimum Front Yard - 30 m
- (f) Minimum Rear Yard - 100 m
- (g) Minimum Side Yard - 15 m
- (h) Minimum Building Separation - 15 m
- (i) Maximum Building Height - apartment building: 10 m  
- storage building: 5 m
- (j) Minimum Dwelling Unit Area - one bedroom dwelling: 50 m<sup>2</sup>  
- two bedroom dwelling: 70 m<sup>2</sup>  
- three bedroom dwelling: 95 m<sup>2</sup>
- (k) Minimum Play Facilities for Apartment Building - 1 for each lot
- (l) Minimum Play Area for Apartment Building - 150 m<sup>2</sup>
- (m) Play Facility Location for Apartment Building - In a rear or side yard
- (n) Minimum Landscaped Area - 30%
- (o) Minimum Entrances Per Lot - 2
- (p) Minimum Entrance Separation - 15 m
- (q) Minimum Parking Spaces - 1.5 for each dwelling unit plus 10 for the storage building
- (r) Parking Space Location - No part of any parking space shall be located closer than 7.5 m to any street line.



## 10.10 SPECIAL SHORELINE ZONES

### 10.10.1 SH-1 (Former Township of Black River-Matheson By-law No. 886-88)

Notwithstanding any other provisions of this By-law to the contrary, within any area designated SH-1 on the Schedules, all provisions of this By-law applicable to the SH Zone shall apply subject to the following provisions:

#### (1) Permitted Uses

The only permitted uses shall be:

- Marine facility
- Single-detached dwelling

#### (2) Zone Requirements

All provisions of this By-law applicable to the R3 Zone shall apply subject to the following provisions:

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | - 4000 m <sup>2</sup>  |
| (b) Minimum Lot Frontage           | - 40 m   |
| (c) Maximum Dwelling Units Per Lot | - 1 only   |
| (d) Maximum Building Area          | - 10%, provided that accessory uses shall occupy not more than 5% of the lot                                       |
| (e) Minimum Front Yard             | - main building: 20 m<br>- marine facility: nil<br>- accessory building: 20 m                                      |
| (f) Minimum Exterior Side Yard     | - 7.5 m  |
| (g) Minimum Rear Yard              | - main building: 7.5 m<br>- accessory building: 3 m  |
| (h) Minimum Side Yard              | - main building: 6 m<br>- accessory building: 3 m  |
| (i) Minimum Building Separation    | - 3 m  |
| (j) Maximum Building Height        | - main building: 10 m<br>- accessory building: 7 m   |
| (k) Minimum Dwelling Unit Area     | - 75 m <sup>2</sup>  |
| (l) Minimum Landscaped Area        | - 50%  |
| (m) Minimum Entrance Setback       | - 9 m  |
| (n) Minimum Parking Spaces         | - 2 per dwelling unit  |
| (o) Minimum Parking Area Setback   | - no part of any parking space shall be located closer than 3 m to any street line; or, 6 m to any other lot line. |

**10.10.2 SH-2 (Former Township of Black River-Matheson By-law No. 1115-93)**

Notwithstanding any other provisions of this By-law to the contrary, within any area designated SH-2 on the Schedules, all provisions of this By-law applicable to the SH Zone shall apply subject to the following provisions:

**(1) Permitted Uses**

The only permitted uses shall be:

- Marine facility
- Single-detached dwelling

**(2) Zone Requirements**

All provisions of this By-law applicable to the R3 Zone shall apply subject to the following provisions:

- |                                |  |
|--------------------------------|--|
| (a) Minimum Dwelling Unit Area | - 100 m <sup>2</sup>   |
| (b) Special Provisions         | - Notwithstanding any other provision herein, no building may be built below the topographical elevation of 251.11 metres CGD. |



## **10.11 SPECIAL OPEN SPACE ZONES**

(RESERVED FOR FUTURE USE)

## **10.12 SPECIAL HAZARD ZONES**

(RESERVED FOR FUTURE USE)



## **10.13 SPECIAL SENSITIVE ZONES**

(RESERVED FOR FUTURE USE)

## **SECTION 11 ADMINISTRATION AND APPROVALS**

### **11.1 ADMINISTRATION AND ENFORCEMENT**

This By-law shall be administered and enforced by the Chief Building Official or such other person as the Council designates.

### **11.2 VIOLATION AND PENALTIES**

Every person who contravenes any provision or requirement of this By-law is guilty of an offence and on conviction is liable:

- (a) on a first conviction, to a fine of not more than \$25,000.00; and
- (b) on a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he or she was first convicted, except where a greater penalty is provided under the *Planning Act*, R.S.O. 1990, Chapter P.13.
- (c) in the case where a building or structure is erected or altered, or any part of any building, structure or lot is hereafter used, in whole or in part, in contravention of any of the provisions 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.

### **11.3 VALIDITY**

If any section or provision of this By-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part hereof, other than the section or provision so declared to be invalid.

### **11.4 OTHER BY-LAWS, LICENSES, PERMITS AND REGULATIONS**

Nothing in this By-law shall be construed to exempt any person from complying with any restrictions or regulations lawfully imposed by the Corporation or any other governmental authority or agency having jurisdiction to make such restrictions or regulations, or from obtaining any permit, license, permission or approval required by this or any other By-law or regulation of the Corporation or any other governmental authority or agency having jurisdiction to require such permit, license, permission or approval.



## 11.5 CONFLICT

In the event of a conflict within this By-law or with any amendment to this By-law or with the requirements of any other By-law, the most restrictive or the By-law imposing the higher standards shall govern and apply unless the context clearly requires otherwise.

## 11.6 EFFECTIVE DATE

This By-law shall come into force and take effect on the date of final passing hereof, subject to receiving approval of the Ontario Municipal Board where required under Section 34 of the *Planning Act* R.S.O. 1990, Chapter P.13.



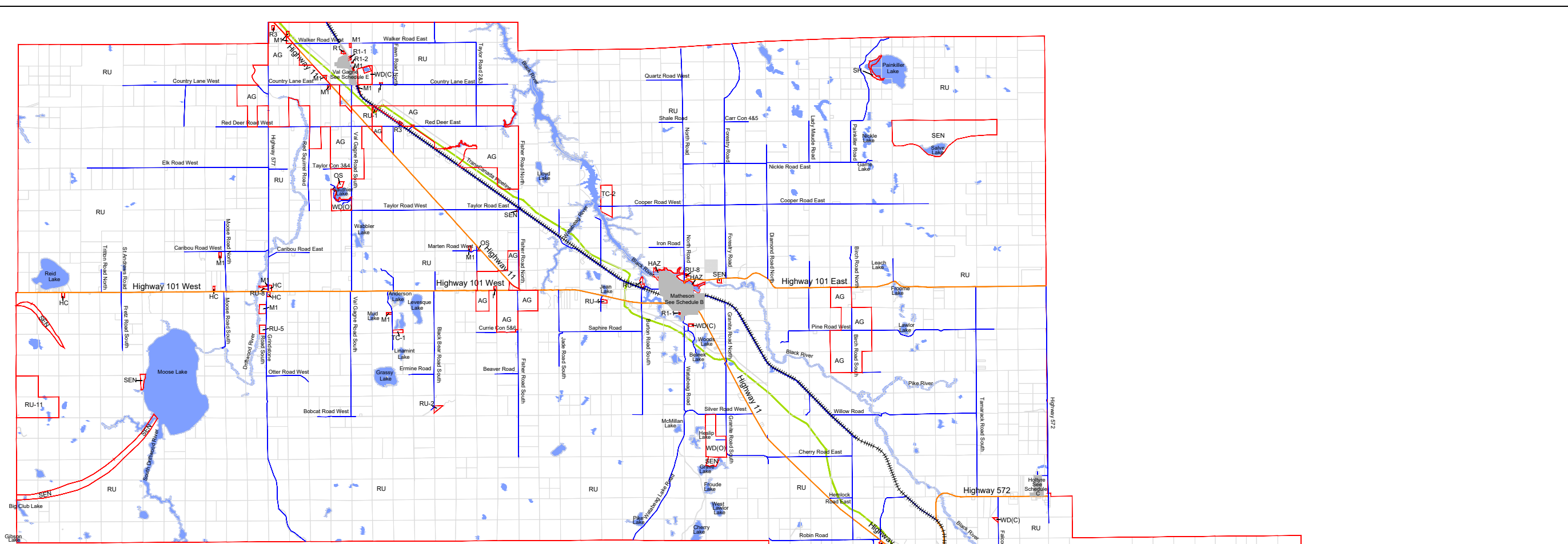
## **SECTION 12 SCHEDULES**

The Schedules of this Zoning By-law include:

Schedule A	Rural Area
Schedule B	Matheson
Schedule C	Holtyre
Schedule D	Ramore
Schedule E	Val Gagné



# SCHEDULES



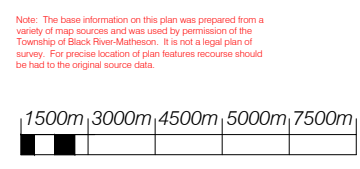
**TOWNSHIP OF  
BLACK RIVER-MATHESON  
FINAL ZONING BY-LAW  
MAY 15, 2017  
SCHEDULE A - RURAL AREA**

- Settlement Area Boundary
- Zone Boundary
- AG - Agricultural
- R1 - Residential
- R2 - Apartment Residential
- R3 - Mixed Use
- HC - Highway Commercial
- TC - Tourist Commercial
- I - Institutional
- M1 - General Industrial
- RU - Rural
- OS - Open Space
- HAZ - Hazard
- SEN - Sensitive
- WD(O) - Waste Disposal - Open
- WD(C) - Waste Disposal - Closed

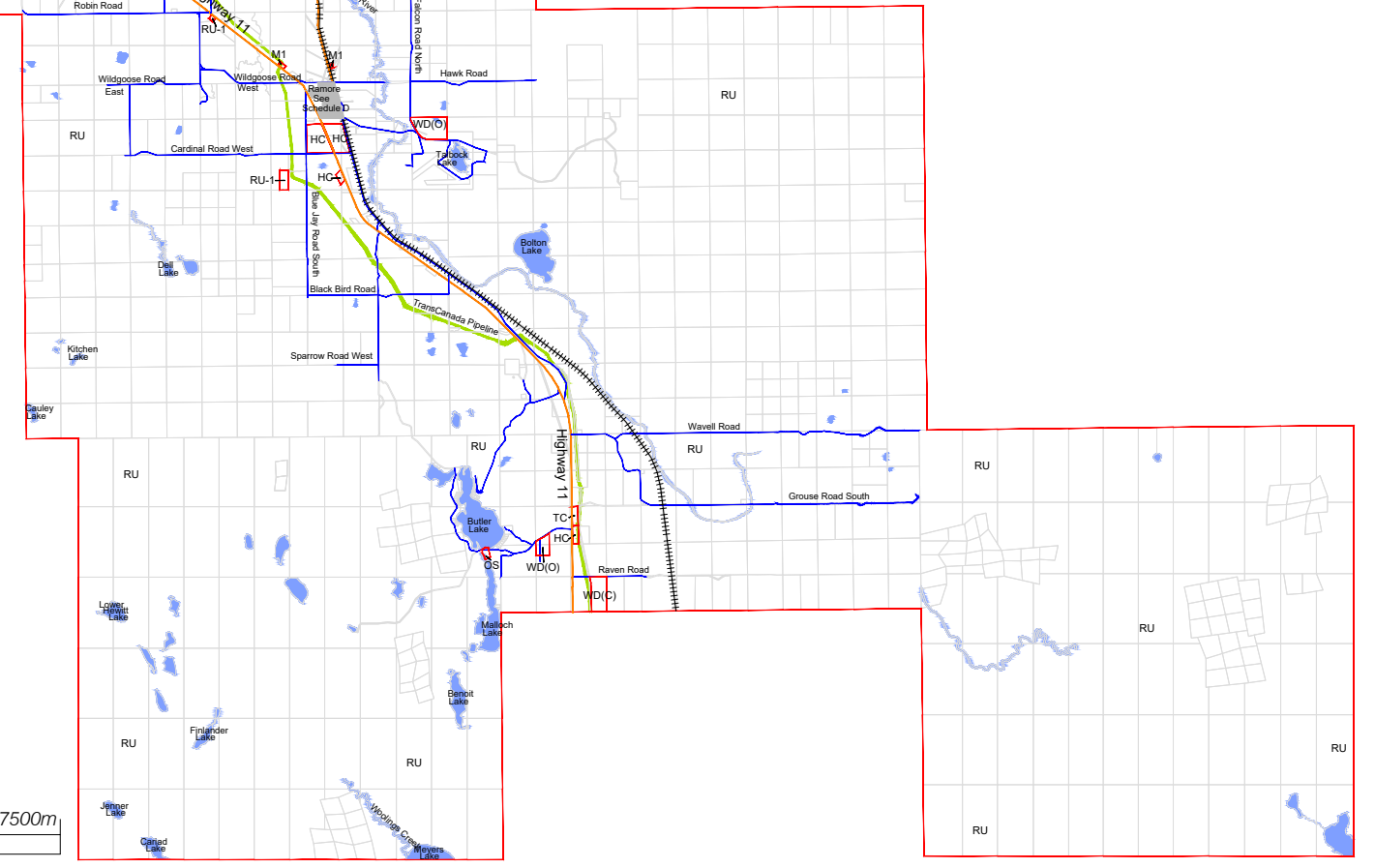
- Provincial Highway
- Local Road
- Railway
- TransCanada Pipeline

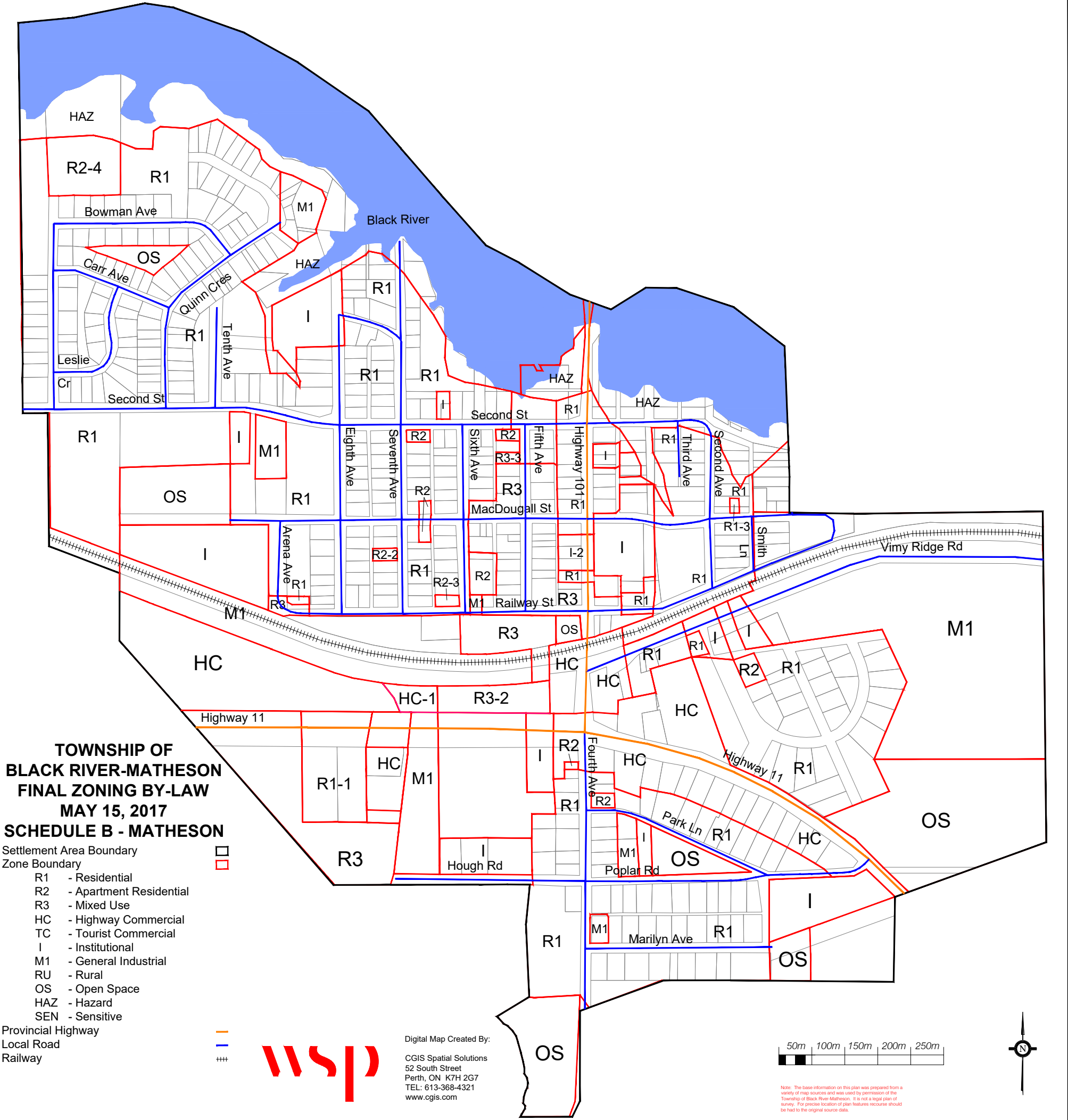


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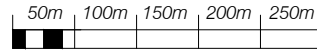
**TOWNSHIP OF  
BLACK RIVER-MATHESON  
FINAL ZONING BY-LAW  
MAY 15, 2017  
SCHEDULE B - MATHESON**

- Settlement Area Boundary   
 Zone Boundary
- R1 - Residential
  - R2 - Apartment Residential
  - R3 - Mixed Use
  - HC - Highway Commercial
  - TC - Tourist Commercial
  - I - Institutional
  - M1 - General Industrial
  - RU - Rural
  - OS - Open Space
  - HAZ - Hazard
  - SEN - Sensitive

- Provincial Highway
- Local Road
- Railway








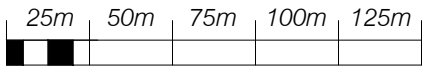
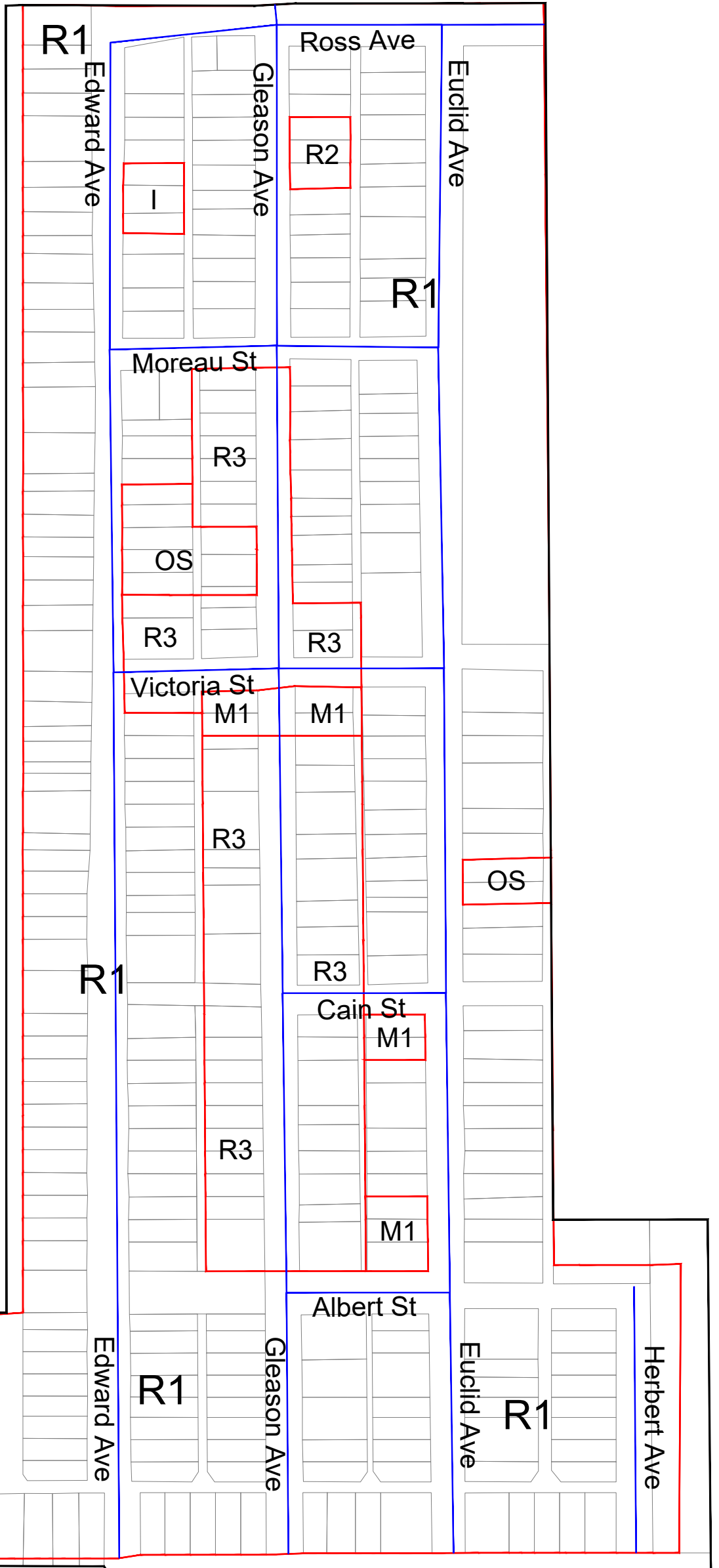
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**TOWNSHIP OF  
BLACK RIVER-MATHESON  
FINAL ZONING BY-LAW  
MAY 15, 2017  
SCHEDULE C - HOLTYRE**

- Settlement Area Boundary 
- Zone Boundary 
- R1 - Residential
  - R2 - Apartment Residential
  - R3 - Mixed Use
  - HC - Highway Commercial
  - TC - Tourist Commercial
  - I - Institutional
  - M1 - General Industrial
  - RU - Rural
  - OS - Open Space
  - HAZ - Hazard
  - SEN - Sensitive
- Provincial Highway 
- Local Roads 
- Railway 








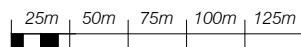
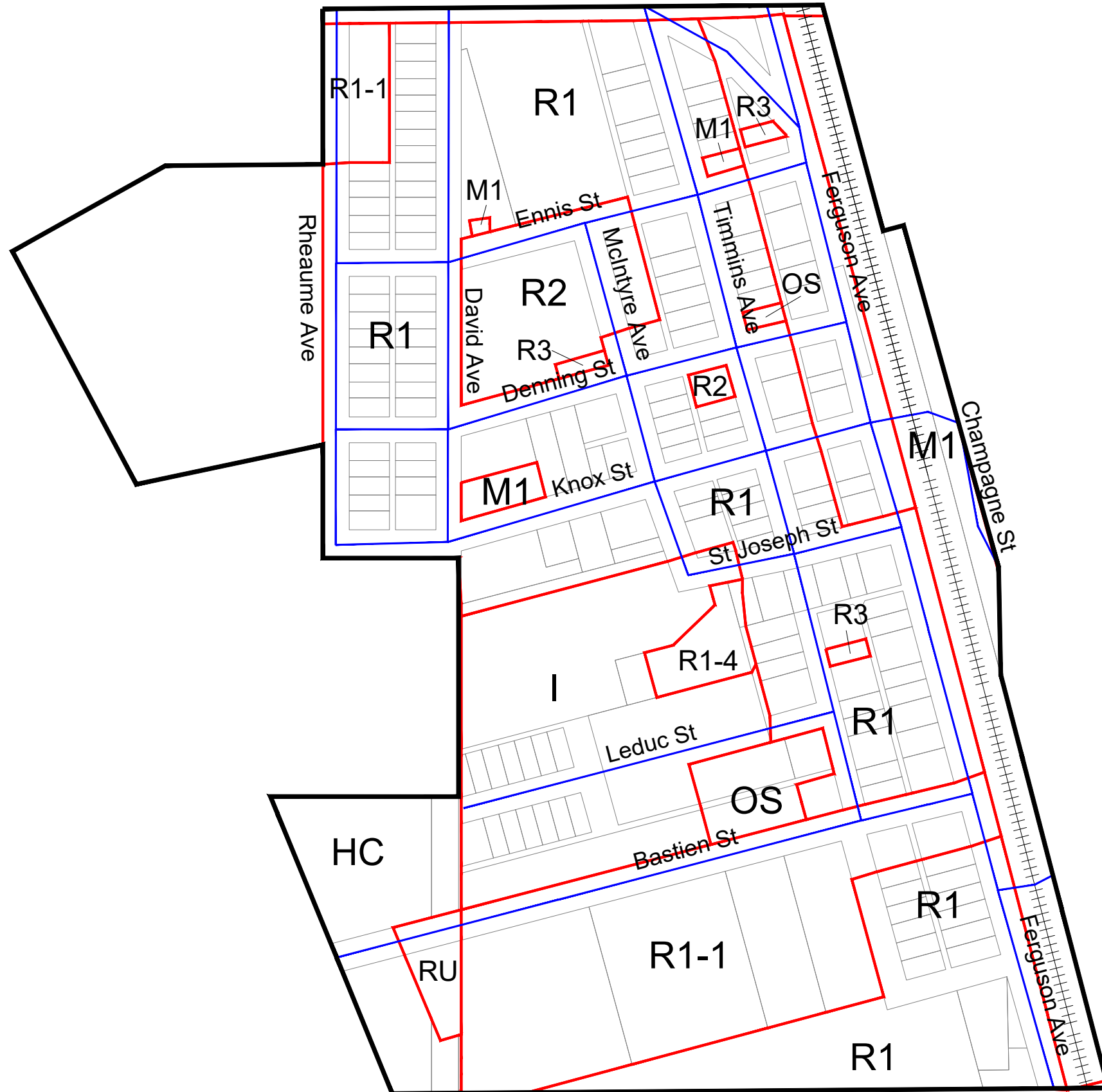
Digital Map Created By:  
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TEL: 613-368-4321  
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Note: The base information on this plan was prepared from a variety of map sources and was used by permission of the Township of Black River-Matheson. It is not a legal plan of survey. For precise location of plan features recourse should be had to the original source data.

**TOWNSHIP OF  
BLACK RIVER-MATHESON  
FINAL ZONING BY-LAW  
MAY 15, 2017  
SCHEDULE D - RAMORE**

- Settlement Area Boundary 
- Zone Boundary 
- R1 - Residential
  - R2 - Apartment Residential
  - R3 - Mixed Use
  - HC - Highway Commercial
  - TC - Tourist Commercial
  - I - Institutional
  - M1 - General Industrial
  - RU - Rural
  - OS - Open Space
  - HAZ - Hazard
  - SEN - Sensitive
- Provincial Highway 
- Local Roads 
- Railway 



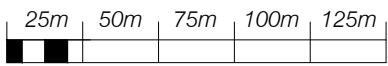
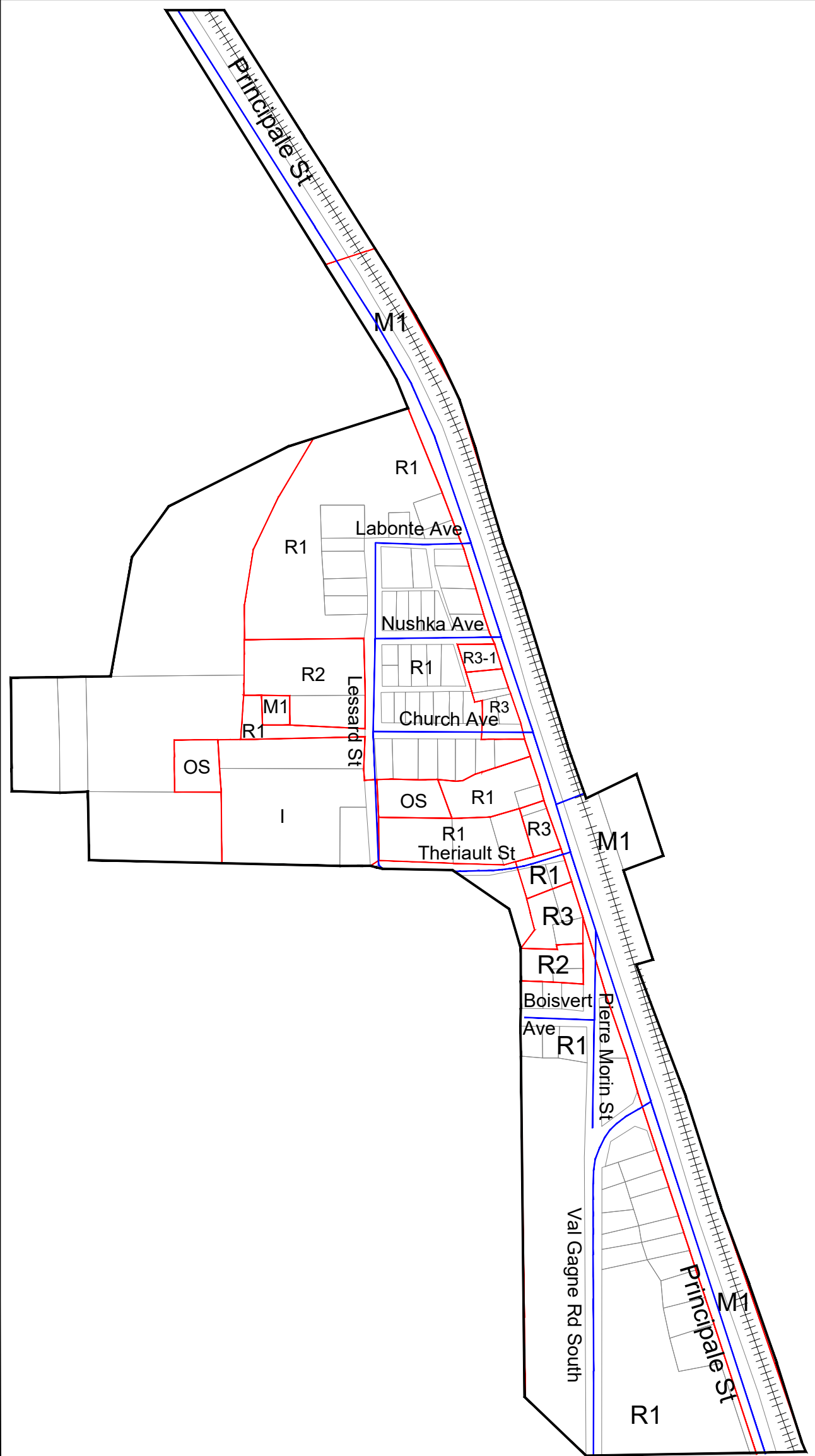
Digital Map Created By:  
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**TOWNSHIP OF  
BLACK RIVER-MATHESON  
FINAL ZONING BY-LAW  
MAY 15, 2017  
SCHEDULE E - VAL GAGNÉ**

- Settlement Area Boundary
- Zone Boundary
- R1 - Residential
  - R2 - Apartment Residential
  - R3 - General Commercial
  - HC - Highway Commercial
  - TC - Tourist Commercial
  - I - Institutional
  - M1 - General Industrial
  - RU - Rural
  - OS - Open Space
  - HAZ - Hazard
  - SEN - Sensitive
- Provincial Highway
- Local Road
- Railway



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