

THE TOWN OF MATTAWA

ZONING BY-LAW 85-23

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A BRIEF GUIDE
TO THE
TOWN OF MATTAWA
RESTRICTED AREA (ZONING) BYLAW

FOR THE USE OF

- COUNCIL
- PLANNING BOARD
- MUNICIPAL STAFF
- THE PUBLIC

EXPLANATORY NOTE *

The purpose of this Zoning Bylaw is to implement the Official Plan of the Mattawa Planning Area. Section 6.2 of the Official Plan states that "the Town of Mattawa will adopt a Restricted Area (Zoning) Bylaw which will reflect the principles and policies contained in this Plan".

The Official Plan is a general document which establishes overall policy for control of development to ensure that the type, location and timing of development is consistent with good planning and the Municipality's ability to provide the necessary services. This document generally indicates or designates lands in different general categories of use such as Residential, Commercial, Industrial, etc., for the time period of the Plan, which is established as approximately 20 years or until the Plan is replaced or updated.

The Zoning Bylaw implements the Official Plan and all zoning must be in conformity with the Plan. This does not mean that the zoning maps must be identical with the land use map in the Official Plan, but it does mean that the Zoning Bylaw must ensure the implementation of the Official Plan. The Zoning Bylaw establishes zones for the uses permitted within the broad categories of the Official Plan, as well as standards for the permitted uses in the specific zones.

If the Official Plan is the document which establishes What will be developed, the Zoning Bylaw provides the How or specific provisions governing the use, and the When, by requiring the change be approved by Council to ensure that the development is not premature.

* This Explanatory Note is intended only for clarification and does not form part of this Bylaw.

***PROCEDURE FOR DETERMINING THE PERMITTED USES, AND THE VARIOUS REGULATIONS
IN A SPECIFIC LOCATION:**

1. The Bylaw consists of a text divided into eight Sections and Schedules "A", "B" and "C".
2. Note the specific location of interest on Schedule "A" "Zone Map", and determine the Zone Symbol which appears as capital letters.
3. Consult Schedule "B", Permitted Uses, and determine the specific type of use allowed in that particular Zone, or locate the use of interest and determine the Zone(s) in which it is permitted.
4. Consult Schedule "C", Zone Requirements, for specific regulations.
5. In addition to land uses and regulations referred to above, certain general conditions and provisions apply to all lots, buildings and structures, and these, together with definitions, are found in Section 3-Definitions, Section 5-General Provisions, Section 6-Zone Map, Permitted Uses in Zones, Provisions for Uses.
6. Please Note: The municipal administration may be of assistance in determining the appropriate zoning information, but they are not charged with the responsibility of providing a legal interpretation of this Bylaw. In cases of dispute, the advice of legal counsel should be sought.

***This procedure is given to assist understanding of the
Bylaw and does not form part of it.**

AMENDING THE ZONING BY-LAW

A zoning by-law does not freeze land but provides the conditions for changing land use in an orderly and rational manner in accordance with the land use designation and the policies of the Official Plan.

In accordance with the requirements of the Planning Act, the usual procedure* for amendment involves the following steps:

1. The person wishing a change makes an application to the Municipality for a rezoning. (note: the Municipality may also amend the Zoning By-law following the same procedures as an individual).
2. The Municipality evaluates the application for conformity with the Official Plan, adequacy of services, conformity with provisions for the requested zoning, etc. If the application satisfies all requirements, the draft zoning amendment is prepared.
3. The Municipality will before adoption of the amending by-law, hold a public meeting.
4. The Municipality then adopts or rejects the zoning amendment. The amendment comes into effect after a 35 day circulation period if there are no objections. In this case, the amendment does not require the approval of the Ontario Municipal Board.
5. If objections to the amendment are received which cannot be resolved by negotiation, approval of the Ontario Municipal Board must be obtained. The Board may call a hearing at which any person may support or object to the amendment.
6. The Ontario Municipal Board then either approves, modifies or rejects the By-law.
7. The time involved in gaining approval for a zoning amendment usually varies with the complexity of the development proposal, the level of technical evaluation involved, and the necessity for an Ontario Municipal Board hearing. However, to ensure that an application for amendment is considered promptly, the Planning Act provides that where a Council refuses or neglects to make a decision within one (1) month after receipt of the application, the applicant may appeal directly to the Ontario Municipal Board.

* This procedure is given to assist understanding of the By-law and does not form part of it.

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 85-23

A By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Mattawa.

WHEREAS authority is granted under The Planning Act, subject to the approval of the Ontario Municipal Board, to pass this By-law; and,

WHEREAS the Town of Mattawa deems it necessary in the public interest to regulate the use of land and the character, location and use of buildings and structures; and to implement the Official Plan of the Mattawa Planning Area.

Whereas the Town of Mattawa repeals By-law 80-14 and concurrently adopts this new by-law Number 85-23
NOW THEREFORE the Council of the Corporation of the Town of Mattawa has therefore enacted the By-law set out herein.

SECTION 1 SHORT TITLE

1.1 This By-law is known as "The Town of Mattawa Zoning Bylaw".

SECTION 2 DEFINED AREA

2.1 This By-law applies to all land included within the boundaries of the Town of Mattawa.

SECTION 3 - DEFINITIONS

SECTION 3

DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this section shall govern.

- 3.1 Accessory Building means a detached building, located on the same lot as the main building, the use of which is clearly incidental, subordinate and exclusively devoted to a main building or use and which is not used for human habitation.
- 3.2 Accessory Use means a use that is clearly incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.
- 3.3 Aerodrome - means an area for takeoff and landing of aircraft.
- 3.4 Agricultural Use means general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, greenhouses, dairying animal husbandry, raising of poultry, and the sale of produce grown on the farm from which the sale is made.
- 3.5 Automobile Body Repair Shop means an establishment used for making repairs or alterations to the body or paint work of any vehicle.
- 3.6 Automobile Sales Agency means an establishment for the storage, sale and servicing of new or used vehicles and may include outdoor storage of vehicles but all other facilities must be within a building.

- 3.7 Automobile Service Station means a building or place where gasoline, oil, tires, batteries and other accessory products for the maintenance of motor vehicles are kept for sale and where motor vehicles may be oiled, greased or washed and minor and/or emergency repairs are performed to motor vehicles.
- 3.8 Basement means that portion of a building between two floor levels which is partly below grade and which has more than one-half of its height measured from floor to ceiling 'above' the established grade.
- 3.9 Boarding House shall mean a building or portion thereof other than a Group Home or Hotel where lodging, with or without meals, is provided for compensation to not more than 6 persons, exclusive of the proprietor or lessee and his family.
- 3.10 Building means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment, other than a wall or fence.
- 3.11 Bulk Sales Establishment means the use of land, structures or buildings for the purposes of buying and selling coal, fuel, oil, wood, lumber, building materials, ice and allied commodities and includes incidental manufacturing, assembling or processing uses, a building supplies depot or an access lumber yard.
- 3.12 Business or Professional Office means an office in which any business is carried on or any profession is practiced.
- 3.13 Carport shall mean a partially enclosed structure which is used primarily for storage of one or more vehicles.
- 3.14 Cellar means that portion of a building between two floor levels which is partly or wholly below grade and which has more than one-half of its height measured from floor to ceiling 'below' the established grade.

- 3.15 Chip Wagon means any vehicle or ex-vehicle equipped for the selling of short order foods and usually operating on a seasonable basis.
- 3.16 Club shall mean a private or public organization located on private or public lands.
- 3.17 Clinic shall mean a building or part of a building used for the medical, dental, surgical or therapeutical treatment of human beings but does not include a public or private hospital.
- 3.18 Commercial Use means the use of land, building or structure for the purposes of buying and selling of commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.
- 3.19 Commercial Greenhouse means the use of land or building for the growing of fruits, vegetables, flowers, plants, etc for the purpose of selling to the general public.
- 3.20 Community Facility means any place generally open to the public such as schools, libraries, hospitals, churches, arenas and government establishments and under the jurisdiction of a public or non-profit agency.
- 3.21 Conservation Uses means land used solely for the preservation and enhancement of the natural environment and may include a conservation area.
- 3.22 Convenience Store means the selling of merchandise, food stuffs, etc. to the general neighbourhood and shall be between a minimum 600 sq.ft. and a maximum 2,000 sq.ft. No food for consumption on the premises is permitted.
- 3.23 Coverage means that percentage of land or lot area covered by buildings and structures above ground level and excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level.

3.24 Development means the subdivision and severance of land, the erection or alteration of buildings and structures and includes any improvement that can be made on land. The use of the term shall be taken to include redevelopment in all cases.

3.25 Dwelling

3.25.1 Dwelling Unit means one or more habitable rooms designed or intended for use by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

3.25.2 Dwelling, Single-Family means a completely detached building containing only one dwelling unit.

3.25.3 Dwelling, Two-Family means a building containing two dwelling units designed, intended and/or used for occupancy by two families living independently of each other including duplex or semi-detached houses.

3.25.4 Dwelling, Multiple Family means a separate building consisting of more than four dwelling units which units have a common entrance from the street level and the occupants of which have equal right to the use of all common halls and/or stairs and/or elevators and yards.

3.25.5 Dwelling, Boarding and Rooming House means any house or building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two (2) other persons, lodging and/or meals, but shall not include a hotel, hospital, home for the young or aged, or institution.

- 3.26 Family means one or more persons who are interrelated by bonds of consanguinity, marriage or legal adoption, or a group of not more than five unrelated persons occupying a dwelling unit.
- 3.27 Floor Area means total floor area as measured from exterior walls but excluding basements, and cellars, private garages, and porches.
- 3.28 Height means the vertical distance of a building measured between the lowest point of the established grade at the exterior walls and
- the highest point of the roof surface of a flat roof,
 - the decline of a mansard roof, or
 - the mean level between the eaves and the ridge or a gabled, hip, gambrel, or other type of pitched roof.
 - the highest point of a building or structure does not include any ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, television antennae, or structure for the mechanical equipment required from the operation of the building, e.g. an elevator.

3.29 Highway Commercial Use means a use of land, buildings or structures oriented to vehicular use and includes a motel, drive-in restaurant or service station. Highway Commercial uses also include ancillary retail uses such as gift shops.

3.30 Home Occupation means any occupation for gain or support carried on as an accessory use and conducted entirely within a dwelling unit or accessory building by members of the family residing in the dwelling, who may employ or be assisted by no more than one other person, provided that:

-there is no external display or advertising other than a sign erected in accordance with any By-laws of the Municipality regulating signs;

-there is no external storage of goods, materials or equipment; and

-not more than 25 percent of the total floor area of the dwelling unit is used for the home occupation.

3.31 Industrial Use means the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspection, ornamenting, finishing, treating, altering, repairing, warehousing, or storing, or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and material, but not including any mine, pit, or quarry, or any obnoxious industry or operation that involves the emission of any air, water or noise pollution that creates a nuisance outside of the building. The following will be allowed as accessory uses - transportation, wholesaling, storage or shipping.

3.32 Institutional Use means any land, building or structure used for a non-commercial purpose by any organization, group or association for governmental, religious, educational, charitable or hospital purposes and involving activities carried on for some public purpose and not for profit but excluding a private club, mental hospital or any place of detention or correction.

3. 33 Landscaping means a combination of trees, shrubs, flowers, grass or other horticultural elements together with decorative stonework, fences, pavings, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
3. 34 Local Commercial shall mean a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.
3. 35 Lot means any parcel of land, described in a registered deed or other document legally capable of conveying land, or shown as a lot or block in a registered plan of subdivision.
3. 35.1 Lot Area is the total horizontal area within the limits of a lot, abutting upon, two or more public streets, or a public street and a railway right-of-way, having an angle of intersection of not more than 135 degrees. The front lot line shall be deemed to be the longer of the two lot lines abutting public streets. In the case of a curved street lot line, such angles shall be formed by their tangents, drawn from the points where the side lot lines meet the front lot line.
3. 35.2 Lot, Coverage means that percentage of the lot area covered by all buildings above ground level, and for the purposes of this paragraph, the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.
3. 35.3 Lot, Depth means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "LOT DEPTH" means the length of a straight line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines.

- 3.35.4. Lot, Frontage means the horizontal distance between the side lot lines, such distance being measured perpendicular to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines and at a point therein distant 7.5 m from the front lot line.
- 3.35.5 Lot Line, Front means in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed a side lot line.
- In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a lot fronting on a navigable waterway, the lot line directly adjacent to the navigable waterway shall be deemed to be the front lot line.
- 3.36 Main Building means the building designed or used for the principal use on the lot.
- 3.37 Mobile Home means any dwelling unit that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 3.38 Non-Complying means that which does not conform, comply or agree with the regulations of this Bylaw as of the date of final passing thereof.
- 3.39 Non-Conforming Use means the use of land, building or structure which does not comply with the provisions of this bylaw for the zone in which such land, building or structure is situated.
- 3.40 Obnoxious Use means any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said land or any part thereof or the creation thereon, of odours, gases, dirt, smoke, noise,

vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon, or an obnoxious use as defined in the Public Health Act, R.S.O. 1970.

- 3.41 Open Storage means the storage of goods in the open air or in unenclosed portions of buildings which are open on the sides, but shall not include a limited display of goods and products for advertising and demonstration purposes.
- 3.42 Parking Lot means an open area, other than a street used for the temporary parking of two or more motor vehicles as accommodation for visitors, clients, customers, residents, or employees, whether free or for profit or gain.
- 3.43 Parking Space means an area of not less than 18 m², measuring 3 m by 6 m exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
- 3.44 Personal Service means a business which furnishes a service to meet some general personal need or to benefit the personal needs of individuals but excludes funeral homes and any manufacturing or fabrication of goods for sale.
- 3.45 Place of Assembly means a public or private building used primarily for meeting of one or more groups.
- 3.46 Place of Entertainment means a motion picture or other theatre, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall but does not include any facilities otherwise defined in this By-law.

- 3.47 Place of Worship means a building used primarily for worship services and may include a residence or other secondary meeting facilities.
- 3.48 Professional Office means any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.
- 3.49 Public Authority means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Board or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by Bylaw of the Council.
- 3.50 Public Utility means any facility provided by the Town, the Province of Ontario, or the Government of Canada or their agencies or by a gas, telephone or railway company.
- 3.51 Recreation Facilities means land, structures, and equipment for outdoor and indoor sports and games but does not include a shooting gallery or rifle, pistol, skeet or trap range, an automobile race track or commercial amusement park or theatre.
- 3.52 Rental Accommodation, Temporary means a hotel, motel, tourist cabins or lodge offering rental accommodation to visitors.
- 3.53 Retail Store means a building or part thereof which is not otherwise defined in this Bylaw, in which goods, wares, merchandise, substances, articles or things are offered or kept for sale by retail directly to the public and may include gas pumps.

- 3.54 Retail Store, Seasonal means a retail establishment which deals primarily in goods required by the inhabitants of a seasonal residential area and may include gas pumps for boats or cars.
- 3.55 Service Shop means any building or part thereof where appliances and machinery are sold, serviced, or repaired and includes building trades establishments but excludes any manufacturing processing or wholesaling.
- 3.56 Setback means the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on the lot.
- 3.57 Street, Public shall mean a public highway as defined by the Municipal Act and the Highway Traffic Act and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 29 of the Planning Act, R.S.O. 1970, or which has not been assumed by the Town.
- 3.58 Structure means a constructed form that is built of elements joined together and located under, on or above ground level.
- 3.59 Swimming Pool: means a vessel above or below ground capable of holding water for the purpose of swimming.
- 3.60 Tourist Trailer Park means land that is used to accommodate trailers that are used or intended to be used for short term or seasonal occupancy and are intended to be located on the site for a temporary or seasonal basis.
- 3.61 Wholesale Trade Establishment means any establishment which sell merchandise to others for resale and/or to industrial and commercial users.

3.62 Yard means an open area of land, other than a court, on the same lot as a building or structure, unoccupied and unobstructed except as otherwise provided or required by this By-law, and located between the main wall of the building and one of the lot lines of the same lot.

3.62.1 Yard, Front means a yard extending across the full width of the lot between the front lot line of the lot and the nearest wall of any building or structure on the lot.

3.62.2 Yard, Minimum Front means the minimum depth of a front yard on a lot between the lot line and the nearest wall of any building or structure on the lot.

3.62.3 Yard, Rear means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest wall of any building or structure on the lot.

3.62.4 Yard, Minimum Rear means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

3.62.5 Yard, Side means a yard extending from the front yard to the rear yard between the side lot line of the lot and the nearest wall of any building or structure on the lot.

3.62.6 Yard, Minimum Side means the minimum width of side yard on a lot between a side lot line and the nearest wall of any building or structure on the lot.

SECTION 4 - INTERPRETATION

SECTION 4 INTERPRETATION

4.1 APPLICATION

Except as provided by The Planning Act of Ontario, no building, structure or land may be used, and no building or structure may be hereafter erected, structurally altered or enlarged within the limits of the Municipality as now or hereafter legally constituted except in conformity with the provisions of this By-law.

4.2 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this By-law are held to be the minimum requirements adopted for the promotion of public health, safety, convenience or general welfare of the Municipality.

4.3 OBLIGATION REGARDING OTHER BY-LAWS

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act or of any By-law in the Municipality in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Municipality. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply.

4.4 INTERPRETATION

Unless the contrary intention appears in this By-law, words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one, and female as well as males; and the converse.

4.5 COMMITTEE OF ADJUSTMENT

Where the uses of land, buildings or structures permitted in the By-law are defined in general terms, the Committee of Adjustment may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the By-law.

4.6 INTERPRETATION OF ZONING SCHEDULE AND ZONE BOUNDARIES

For the purpose of this By-law, all land within the Municipality is hereby divided into use zones as set out in Section 5 and on Schedule "A" and when determining the boundary of any zone, only the following provisions shall apply:

- 4.6.1 A boundary indicated as following any road, right-of-way or water course shall be the centre line of such road, right-of-way or watercourse.
- 4.6.2 A boundary indicated as following the shore line shall be construed as being the high water mark.
- 4.6.3 A boundary indicated as following the limits of the Municipality shall follow such limits.
- 4.6.4 A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Township lot lines shall be deemed to follow such lot lines.
- 4.6.5 In the absence of any of the above, said boundary shall be the distance as scaled from the Zone Map.

4.7 ROAD ALLOWANCES AND RIGHTS-OF-WAY

A road allowance, utility transmission right-of-way, or watercourse is, unless otherwise indicated, included within the zone of the adjoining property on either side thereof, and where such road, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise.

4.8 ROAD AND RIGHT-OF-WAY CLOSINGS

In the event a dedicated road or right-of-way shown on the Schedule is closed, the property formerly in said road or right-of-way shall be included within the zone of the adjoining property on either side of the said closed road or right-of-way and the zone boundary shall be the former centre line of said road or right-of-way.

SECTION 5 - GENERAL PROVISIONS

SECTION 5

GENERAL PROVISIONS

5.1 Zones

For the purposes of this By-law, the following Zones are established and are shown on Schedule A to this By-law:

| ZONE | SYMBOL |
|-------------------------|---------------|
| Residential Zone Type 1 | R1 |
| Residential Zone Type 2 | R2 |
| Commercial Zone | C |
| Highway Commercial Zone | HC |
| Industrial Zone | I |
| Open Space Zone | OS |
| Hazard Land Zone | HAZ |
| Residential Special | RX |
| Commercial Special | CX |

and no person shall use any land or erect or use a building or structure except in accordance with the provisions of this By-law.

When special circumstances are apparent, Council may after careful consideration of the implications establish a separate zone with special conditions, if necessary.

5.2 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 the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.

5.3 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any non-conforming and/or non-complying building or structure, or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure. An addition not exceeding 20% of the gross floor area is permitted if there is no further contravention to the By-law.

5.4 RECONSTRUCTION OF DAMAGED EXISTING BUILDINGS OR STRUCTURES

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming and/or non-complying building or structure, or part thereof, which is damaged or destroyed by causes beyond the control of the owner, provided that the reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure.

5.5 BUILDING PERMIT ISSUED

Nothing in this By-law shall apply to prevent the erection or use for a purpose prohibited by the By-law of any building or structure the plans for which have, prior to the day of the passing of the By-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

5.6 OCCUPANCY OF INCOMPLETE BUILDINGS

No building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed and where applicable, kitchen, water, heating, electrical and sanitary facilities have been installed and are useable.

5.7 ONE DWELLING PER LOT

In a Residential Zone only one dwelling per lot shall be permitted except as otherwise provided in this By-law, but this provision does not prohibit the erection of accessory buildings or structures.

5.8 NON-CONFORMING BUILDING AND USES

Where a building or structure was erected prior to the date of the passing of this By-Law, on a lot having less than the minimum provisions required by this By-law, or where such building or structure is used for a purpose not permitted in the zone in which it is situated but is a legal non-conforming use under the Planning Act, the said building or structure may be reconstructed, repaired or renovated provided that:

- 5.8.1 It does not include any change of use except to a use which is permissible within the zone in which it is situated;
- 5.8.2 Any reconstruction or addition up to 25% of the existing floor area is permissible.
- 5.8.3 It does not further reduce such provisions by having less than the minimum required by this By-law;
- 5.8.4 The cost of repairing any damage does not exceed one hundred (100) percent of its undamaged market value, otherwise it shall only be restored in conformity with the provisions of the zone in which it is situated;
- 5.8.5 All other applicable provisions of this By-law are complied with.

5.9 LAND DIVISION CAUSING CONTRAVENTION OF BY-LAW

Except as may be specifically permitted, no lots shall be reduced in area below any minimum standard required in this By-law either by conveyance or any other alienation.

5.10 EXISTING UNDERSIZED LOTS

Notwithstanding anything to the contrary in this By-law, a vacant lot held in separate ownership from adjoining parcels on the date of the passing of this By-law, having less than the minimum lot frontage and/or lot area required by this By-law, may be used for a purpose permitted in the zone in which the said lot is located, provided that all other applicable provisions in this By-law are complied with.

5.11 BUILDINGS TO BE MOVED

A building may be moved within or into the Municipality provided a permit is first obtained from the Municipality, but no building may be moved into any zone where it is not permitted.

5.12 TEMPORARY CONSTRUCTION USES PERMITTED

A construction camp, tool shed, scaffold, sign or other building or structure incidental to and necessary for construction work on the premises, is permitted in any zone; but,

5.12.1 Such uses, buildings, or structures may be used only as long as same are necessary for work in progress which has neither been finished nor abandoned;

5.12.2 Such uses, buildings, or structures are removed when the work in connection with which they are constructed is terminated.

5.13 PUBLIC USES PERMITTED

The provisions of this By-law do not apply to prevent the use of any land or the erection or use of any building or structure for public purposes by the Municipality or any department of the Government of Ontario or Canada, or any Telephone, Telegraph or Utility Company, and such use or erection are permitted provided that:

- 5.13.1 The lot size and coverage and yard regulations required for the zone in which such land, building or structure is located are complied with;
- 5.13.2 No goods, material or equipment are stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone;
- 5.13.3 Any building erected in any zone under the authority of this paragraph is designed and maintained in general harmony with the buildings of the type permitted in the zone;
- 5.13.4 Any parking and loading regulations prescribed for these uses are complied with;
- 5.13.5 Areas not used for parking or storage are landscaped in general harmony with the surrounding properties.

Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communications line, provided that the location of such main or line has been approved by the Municipality.

5.14 HEIGHT REGULATIONS

The maximum height of buildings or structures in any zone shall be eleven (11) metres with the exception of church spires, water tanks, elevator enclosures, flagpoles, television or radio antennae, ventilators, silos, skylights, chimneys or clock towers.

5.15 PROHIBITED HABITATION

Truck, bus, coach, street car body or other vehicle may 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.

5.16 FRONTAGE ON ROADS

A building or structure may not be erected on any lot unless such lot fronts on an opened public road maintained year-round.

5.17 SIGHT DISTANCES

A building or structure; or tree, hedges or shrubs with a height exceeding one (1) m, may not be erected or planted within the triangular space included between corner lot lines for a distance of nine (9) m from their point of intersection.

- 5.17.1 A swimming pool constructed above or below ground shall have a side yard of two (2) m.

5.18 LANDS UNSATISFACTORY FOR DEVELOPMENT

In all Zones, the erection of any building or structure is prohibited on any land subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character is not satisfactory for sewage disposal, or where the cost of providing water supply, sewage disposal or drainage facilities is prohibitive.

5.18.1 Where any application is received for a building permit adjacent to a watercourse or waterbody, no building permit shall be issued until the applicant has demonstrated that the property is not subject to the flooding rights of any agency.

5.19 ABANDONED EQUIPMENT & MOTOR VEHICLES WITHOUT CURRENT LICENCE PLATES

The parking, storage or locating of unused or discarded motor, farm implements, or similar equipment or vehicles without current licence plates is prohibited in all zones, except that:

5.19.1 One such vehicle may be stored inside a private garage.

5.19.2 Vehicles normally licensed for only part of the year may be stored on the same lot from which the business they are used in conjunction with is operated.

5.19.3 Any number of such vehicles, etc. may be stored in a completely screened space that is not visible from any road or adjacent dwelling, in an Industrial (I) Zone.

5.20 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory buildings, uses or structures are permitted in any zone, subject to the provisions for the said zone, but:

5.20.1 An accessory building or structure may not be used for human habitation (except where a dwelling is a permitted accessory use).

5.20.2 An accessory building or structure may not exceed five (5) m in height, except where a dwelling is a permitted accessory use, in which case the dwelling may not exceed eleven (11) m in height.

5.20.3 The total lot coverage of all accessory buildings and structures may not exceed 39 square metres. Provided however, that the lot coverage of such accessory buildings or structures shall be included in the computation of the permissible lot coverage of all buildings or structures on such lot; and

419'
Amended
08-05
(Sealed)

5.20.4 Any accessory building or structure may be located not closer than one (1) m to the side or rear lot lines, and not closer than six (6) m to the front lot line.

5.20.5 For the purposes of interpreting this section, a private garage attached to the main building, or a swimming pool is not considered accessory.

5.21

SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES

The following exceptions and special provisions apply for certain accessory structures;

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

5.21.2 Special provisions for swimming pools
-All swimming pools shall be located in the side or rear yards of properties.

5.22

PARKING REQUIREMENTS

For every building or structure to be erected, enlarged or used in any zone, one or more parking areas shall be provided and maintained in accordance with the following provisions:

| <u>Type of Building</u> | <u>Minimum Parking Required</u> |
|--|---|
| 5.22.1 Dwelling | One (1) parking space for each dwelling unit. |
| 5.22.2 General office, professional office or home occupation | one (1) parking space for each twenty eight (28) m ² of office floor space in the building. |
| 5.22.3 Auditorium, arena, church hall, restaurant, theatre, club, stadium, and other place of assembly | Where there are fixed seats, one (1) parking space for every five (5) seats or three (3) m of bench space of its maximum seating capacity. Where there are not fixed seats, one (1) parking space for each five (5) m ² of floor area devoted to spectator space. |

| | <u>Type of Bldg.</u> | <u>Minimum Parking Required</u> |
|---------|---|---|
| 5.22.4 | Elementary Schools | One (1) parking space for each teaching staff member plus parking spaces for places of assembly as given above. |
| 5.22.5 | Hotels and motels taverns | One (1) parking space for each guest room or motel suite plus one (1) parking space for each ten (10) m ² of floor area of the building devoted to public use. |
| 5.22.6 | Industrial establishments | One (1) parking space for each ninety three (93) m ² of building floor space on the lot. |
| 5.22.7 | Any use in any zone excluding commercial except those uses specifically listed elsewhere in this section. | One (1) parking space for each eighteen (18) m ² of commercial floor space of the building. |
| 5.22.8 | Special Provisions for Commercial Uses: | No commercial use, if abutting a residential use, may utilize high intensity lighting if such lighting interferes with adjoining residents. |
| 5.22.9 | Notwithstanding the commercial parking requirements. Those commercial areas fronting on Valois Dr. (Main Street) between the Mattawa River Bridge and the intersection on Main Street with Highway 17 and those properties fronting on Pine Street and McConnell Street and Zoned C or CX will not be required to provide any parking for existing or proposed commercial development. Residential development when accessory to commercial development will require regular parking on or within 250 feet of the subject property. | |
| 5.22.10 | parking spaces in other zones must be located on or within 500 feet of the subject property. | |

5.23 STANDARDS FOR PARKING SPACES

Where parking areas for more than four (4) vehicles are provided.

5.23.1 Drainage

Adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality.

5.23.2 Parking Space Surface

The parking area and approaches thereto shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;

5.23.3 Lighting

The lights used for illumination of the parking space shall be so arranged as to divert the light away from adjacent lots;

5.23.4 Landscaping

A strip of land not less than three (3) m wide lying within the lot in which the parking area is located, and along all boundaries of said area shall be used for landscaping excluding those areas used as entrance and exit.

5.24 **LOADING SPACE REQUIREMENTS**

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises on the lot occupied by the building or structure and not forming part of a street or land, within the zone in which such use is located, one loading or unloading space fourteen (14) m long, four (4) m wide and having a vertical clearance of at least four (4) m for each four hundred and sixty (460) m², of floor area of the building or structure or fraction thereof provided, however, that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.

5.25 **STANDARDS FOR LOADING SPACES**

Where in this By-law loading spaces are required, the following standards shall be met:

5.25.1 Drainage

Adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality.

- 5.25.2 Access
Access to loading or unloading spaces shall be by means of a driveway at least six (6) m wide.
- 5.25.3 Loading Space Surface
The loading space and approaches shall be constructed and maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- 5.25.4 Location
The loading space or spaces required shall be located in the side or rear yard.
- 5.25.5 Lighting
The lights used for illumination of the loading space shall be so arranged as to divert the light away from adjacent lots.
- 5.25.6 Exceptions
When a building or structure has insufficient loading space at the date of passing of this By-law to comply with the requirement herein, this By-law shall not be construed to reassure that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

5.26 PERMITTED ENCROACHMENTS IN YARDS

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

| <u>STRUCTURE</u> | <u>YARDS IN WHICH PROJECTION IS PERMITTED</u> | <u>MAXIMUM PROJECTION FROM MAIN WALL PERMITTED</u> |
|--|---|--|
| Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters | Any yard | 76 centimeters <i>2 1/2 feet</i> |
| Fire escapes, and exterior staircases | Rear & exterior side yards only | 1 meter |
| Window bays | Front, rear & exterior yards only | 1 meter over a maximum width of 3 meters |
| Balconies | Any yard for multiple family dwellings Front, rear & exterior side yards only for all other dwelling types | 2 meters |

| | | |
|---|----------------|---|
| Open roofed porches not exceeding one storey in height, uncovered terraces | Rear yard only | 2.5 meters including eaves & cornices |
|---|----------------|---|

5.27 USES PROHIBITED

Notwithstanding any other provisions contained in this By-law, no use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under the Public Health Act or regulations thereunder, Chapter 377, R.S.O. 1970 as amended.

SECTION 6 ZONE MAP, PERMITTED USES IN ZONES, PROVISIONS FOR USES

6.1 ZONE MAP

The Town of Mattawa is divided into zones as set out in Section 5.1 and shown on Schedule A attached hereto and made a part hereof.

6.2 PERMITTED USES IN ZONES

Except as provided for elsewhere in this By-law, no person shall use land or erect or use buildings or structures except as permitted by schedule B and the provisions attached hereto and made a part hereof.

6.3 PROVISIONS FOR USES

In addition to the requirements of Section 5 - General Provisions and Schedule B, the applicable provisions of Schedule C, attached hereto and made a part hereof, apply to:

- 6.3.1 The Residential Zone, Type 1 (R1)
- 6.3.2 The Residential Zone, Type 2 (R2)
- 6.3.3 The Commercial Zone (C)
- 6.3.4 The Highway Commercial Zone (HC)
- 6.3.5 The Industrial Zone (I)
- 6.3.6 The Open Space Zone (OS)
- 6.3.7 The Residential Special Zone (R-X)
- 6.3.8 The Commercial Special Zone (C-X)
- 6.3.9 The Open Space Zone, Type 1 (OS-1)
- 6.3.10 The Highway Commercial Special Zone (HC-X)

6.4 The Residential Special Zone and the Commercial Special Zone have all the same requirements as the R1 Zone except that all openings must be above the 156.6 m (513.7 feet) CGD. The applicant must demonstrate to the Town Building Department in writing that no opening will occur below the 156.6 m.

6.5 In accordance with section 5.1 separate zones when created by amendment may have special provisions attached to them and will be attached by amendment to this by-law and can be referred to by viewing the amendment in the Clerk's office.

- R-4 Special Residential - By-law 84-38
- R-12 Special Residential - By-law 84-16
- R-10 Special Residential - By-law 84-17 Amended by By-law 85-29
- R-5 Special Residential - By-law 86-17
- R-7 Special Residential - By-law 86-19
- R-6 Special Residential - By-law 86-20
- HC-1 Highway Commercial-Special - By-Law 86-44

- 6.6 When a place of worship chooses to locate in an R2 Zone, no Accessory Residential use shall be permitted. Any proposed conversion from an existing Residential Dwelling to a Place of Worship can only occur if the existing structure is greater than 1,500 sq.ft. excluding renovations, additions, or the square footage in the basement.
- 6.7 The Commercial Zone, C, and the Commercial-Special Zone C-X allow up to four accessory residential dwelling units if located above the first floor.

'6.8 in an open space Type 1 zone (OS-1) Tourist Trailer Parks are permitted uses and may include up to four cottages for seasonal rental accommodation provided they are serviced with Municipal sewer and water. A cottage shall have a minimum of 480 sq.ft. and shall be located above the 510 foot elevation'.

'6.9 Those areas of land below the floodway line as shown on Schedule A to this by-law which represents the 510 ft. elevation along the Mattawa River and the 508 ft. elevation on the Ottawa River are considered floodplain and may be developed subject to the Special provisions for the respective residential or commercial zones that have been developed to ensure development is flood-proofed. Specifically, the x provision after R or C zone provides for development if no openings are below the 508 and 510 elevation.

Certain lands on schedule 'A' to By-law 85-23 are rezoned to reflect the floodway concern and the residential or commercial zone has been changed to reflect the potential flooding problem.

Land along Mattawan Street in the Turcotte Park Road Area
from OS to R-X

Land in the Bissett Street, Fifth Street Area from R1 to RX

Land in the Timmins Park Area from R-1 to R-X

Land in the Lions Club area along Valois Drive from C to CX and HC to HC-X

SECTION 6 - ZONE MAP, PERMITTED USES IN ZONES, PROVISIONS FOR USES

TOWN OF MATTAWA ZONING BY-LAW

SCHEDULE B

PERMITTED USES IN ZONES

TO BY-LAW 85-23

Column

Line

PERMITTED USES

EXISTING USES

| | R1 | R2 | C | HC | I | OS | R-Y | C-Y | HAZ |
|--|----|----|---|----|---|----|-----|-----|-----|
| Existing Boarding and Rooming House | X | X | | | | | | | |
| Existing Multiple Family | X | X | | | | | | | |
| Existing Institutional Uses | X | X | | | | | | | |
| Existing Place of Worship, Place of Assembly | X | X | | | | | | | |
| Existing Local Commercial Use | X | X | | | | | | | |
| Existing Personal Service Use | X | X | | | | | | | |
| Existing Recreation Facilities | X | X | | | | | | | |
| Existing Automobile Service Station | X | X | X | | | | | | |
| Existing Tourist Trailer Park | X | X | | | | | | | |
| Existing Aerodrome | | | | | | | | | X |

RESIDENTIAL USES

| | | | | | | | | | |
|----------------------------------|---|---|--|--|--|--|---|--|--|
| Single Family Detached Dwelling | X | X | | | | | X | | |
| Two, Three, Four Family Dwelling | | X | | | | | | | |

NON-RESIDENTIAL USES

| | | | | | | | | | |
|-----------------------------------|---|---|---|---|---|---|--|---|---|
| Automobile Body Repair Shop | | | | | X | | | | |
| Automobile Sales Agency | | | | X | X | | | | |
| Automobile Service Station | | | | X | X | | | | |
| Bulk Sales Establishment | | | | X | X | | | | |
| Bus Depot, Taxi Stand | | | | X | | | | | |
| Business Office | | | X | X | | | | X | |
| Cemetery | | | | | | X | | | |
| Chop Wagon | | | | X | | | | | |
| Community Facility | | X | X | | | | | X | |
| Conservation Uses | | | | | | X | | | X |
| Convenience Store | | X | X | X | | | | X | |
| Gas Bar | | | | X | | | | | |
| Golf Courses | | | | | | X | | | |
| Highway Commercial Uses | | | | X | | | | | |
| Home Occupation | X | X | | | | | | | |
| Industrial Uses | | | | | | X | | | |
| Institutional Use | | X | X | X | | | | X | |
| Open Storage | | | | | X | | | | |
| Park, Private | X | X | | | | X | | | X |
| Park, Public | X | X | | | | X | | X | X |
| Parking Lot | | | X | X | | | | X | |
| Personal Service Use | | | X | X | | | | X | |
| Place of Amusement and Recreation | | | X | X | | | | X | |
| Place of Assembly | | | X | | | | | | |
| Place of Worship | | X | X | X | | | | | |
| Professional Office | | X | X | X | | | | X | |
| Public Utility | | X | X | X | X | X | | | |
| Recreation Facilities | | | X | X | | X | | | |
| Rental Accomodation, Temporary | | | X | X | | | | | |
| Restaurant, Tavern | | | X | X | | | | X | |
| Retail Store | | | X | X | | | | X | |
| Retail Store, Seasonal | | | X | X | | | | X | |

Column

Line

PERMITTED USES

| | R1 | R2 | C | HC | I | OS | C-X | HAZ |
|-------------------------------|----|----|---|----|---|----|-----|-----|
| Service Shop | | | X | X | | | | |
| Tourist Trailer Park | | | | | | X | | |
| Wholesale Trade Establishment | | | X | X | | | | |
| School Bus Storage | | | | | X | | | |

ZONE

SYMBOL

Residential Type 1
Residential Type 2
Commercial
Highway Commercial
Industrial
Open Space
Residential Special
Commercial Special
Hazard

R1
R2
C
HC
I
OS
R-X
C-X
HAZ

- *NOTE - PROVISIONS OF SCHEDULE C AND SECTION 5
- GENERAL PROVISIONS APPLY TO ANY OR ALL
OF THE PERMITTED USES.

| PERMITTED USES IN ZONE | MINIMUM LOT REQUIREMENTS | | | MINIMUM YARD REQUIREMENTS | | | MINIMUM FLOOR AREA (square metres) | MAXIMUM LOT COVERAGE % |
|---------------------------------|--------------------------|-------------------|-------------------------|---------------------------|------------------|------------------|---------------------------------------|------------------------------|
| | Frontage (metres) | Depth (metres) | Area (square metres) | Front (metres) | Side (metres) | Rear (metres) | | |
| <u>RESIDENTIAL (R)(R2)(R-X)</u> | | 120 | | | | | | |
| -single family | 15 | 36 | 465 ✓ | 20 | 6 | 20 | 84 | 35 |
| -two family (2) | 20 | 36 | 750 | 6 | 2 | 6 | 170 | 35 |
| -three family (2) | 30 | 36 | 1100 | 6 | 2 | 6 | 250 | 35 |
| -four family (2) | 40 | 36 | 1500 | 6 | 2 | 6 | 330 | 35 |
| -Institutional | 30 | 36 | 1100 | 6 | 6 | 6 | --- | 60 |
| -Commercial | 15 | 36 | 465 | 6 | 6 | 6 | --- | 60 |
| -Recreational | -- | -- | -- | 6 | 3 | 6 | --- | 60 |
| | | | | 6 | 6 | 6 | --- | 50 |
| <u>COMMERCIAL (C) (C-X)</u> | | | | | | | | |
| -Commercial | 15 | 36 | 465 | -- | 3 (1) | 6 | -- | 60 |
| -Institutional | 30 | 36 | 1100 | 6 | 6 | 6 | -- | 60 |
| -Residential | 15 | 36 | 465 | 6 | 3 | 6 | 84 | 60 |
| -Recreational | -- | -- | -- | 6 | 6 | 6 | --- | 50 |
| <u>HIGHWAY COMMERCIAL (HC)</u> | | | | | | | | |
| -Commercial | 30 | 36 | 1100 | 6 | 6 | 6 | -- | 60 |
| -Residential | 30 | 36 | 1100 | 6 | 2 | 6 | 84 | 35 |
| <u>INDUSTRIAL (I)</u> | | | | | | | | |
| -Industrial | 30 | 36 | 1100 | 6 | 6 | 6 | -- | 60 |
| -Commercial | 30 | 36 | 1100 | 6 | 6 | 6 | -- | 60 |
| -Residential | 30 | 36 | 1100 | 6 | 2 | 6 | 84 | 35 |
| <u>OPEN SPACE (OS)</u> | | | | | | | | |
| -Recreational | --- | -- | -- | 6 | 6 | 6 | -- | 50 |
| -Institutional | 30 | 36 | 465 | 6 | 6 | 6 | -- | 60 |
| <u>HAZARD (HAZ)</u> | | | | | | | | |
| -Recreational | -- | -- | -- | 6 | 6 | 6 | --- | 50 |

- NOTES:
- (1) No side yard required on an interior lot line if there is no parking to the rear of the building, or if access can be obtained to the rear by a lane or street.
 - (2) Where two, three or four family residential dwellings are apartment units, the minimum floor area for a one bachelor apartment shall be 500 sq.ft., a one bedroom unit shall be 650 sq.ft., 750 sq.ft. for a two bedroom unit, and an additional 100 sq. ft. for each bedroom beyond a two bedroom unit.

SECTION 7 - ADMINISTRATION

SECTION 7 ADMINISTRATION

7.1 ZONING ADMINISTRATION

This By-law shall be administered by a person designated from time to time by the Council as the Chief Building Official.

7.2 APPLICATION FOR BUILDING PERMITS

In addition to the requirements of the Ontario Building Code and the Building By-law of the Municipality; every application for a building permit shall be accompanied by a plan in duplicate, drawn to an appropriate scale and based upon an actual survey showing the following:

- a) The true shape and dimension of the lot to be used or upon which it is proposed to erect any building or structure;
- b) The proposed location, height and dimensions of any building, structure or use proposed for such lots;
- c) Proposed locations and dimensions of any yards, setbacks, landscaping, off-street parking spaces or off-street loading facilities required by this By-law;
- d) The location of all existing buildings or structure on the lot; and,
- e) A statement signed by the owner or his agent duly authorized thereunto in writing, filed with the Municipality, disclosing the current and proposed use of the lot and building or structure or part thereof, together with all information necessary to determine whether or not such proposed or existing building, structure or use conforms to the requirements to this By-law.

7.3 SEVERABILITY

If any provision of this By-law, including any part of the zoning as shown on the Zoning Maps, is for any reason held to be invalid all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

7.4 LITIGATION

This By-law does not affect the rights of any party or any land concerned in any action, litigation or other proceeding pending on the date of the final passage hereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

SECTION 8 - PENALTIES AND ADOPTION

SECTION 8 PENALTIES AND ADOPTION

8.1 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the Council of the Municipality pursuant to the provisions of The Planning Act.

8.2 VIOLATION AND PENALTY

Every person who uses any land or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore shall be liable to a fine not exceeding one thousand (1,000) dollars, exclusive of costs, for each such offence which shall be recoverable under the Summary Convictions Act. For the purpose of this By-law each day in violation may constitute a separate offence.

8.3 REPEALS

All Zoning By-laws and Amendments thereto, passed pursuant to the Planning Act R.S.O. 1983 or a predecessor thereto, in force on the date of adoption of this By-law in the Municipality; are hereby repealed.

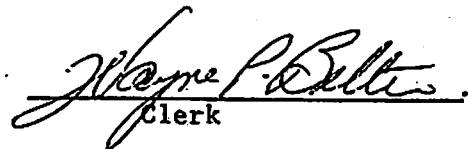
8.4 EFFECTIVE DATE

This By-law takes effect from the date of passage by Council and comes into force upon approval by the Ontario Municipal Board.

Read a First, Second and Third time in open Council this

22 day of April 19 85.


Mayor


Clerk

APPENDIX A - METRIC CONVERSION TABLE

APPENDIX A METRIC CONVERSION TABLE

This Table is included for information purposes only and does not form part of this By-law.

m = metre(s)

m² = square metre(s)

ha = hectare(s)

1. Length Units

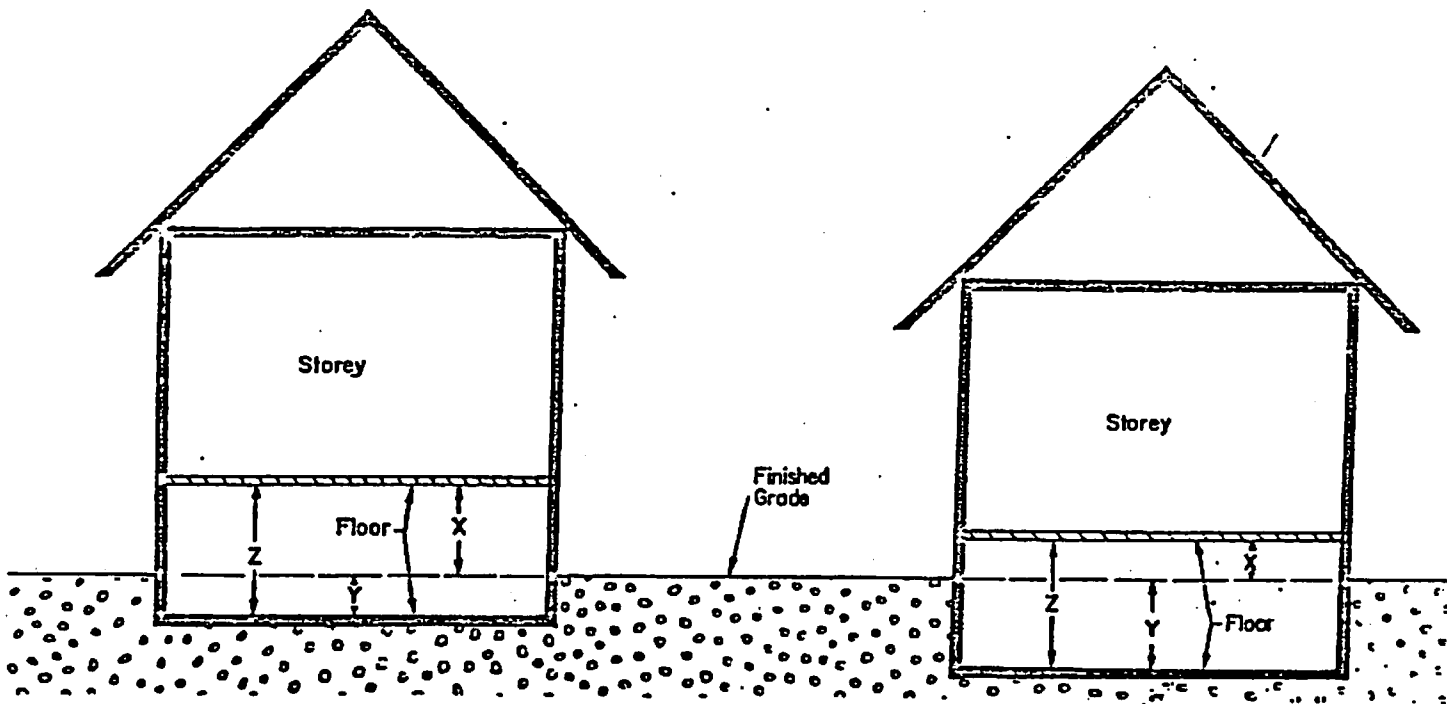
| METRIC (metres) | IMPERIAL | |
|--------------------|-----------------------|-----------------|
| | (approximate) feet | (exact) feet |
| 1 | 3 | 3.28 |
| 2 | 6 | 6.56 |
| 3 | 10 | 9.84 |
| 4 | 13 | 13.12 |
| 4.5 | 15 | 14.76 |
| 5 | 16 | 16.40 |
| 6 | 20 | 19.68 |
| 7.5 | 25 | 24.60 |
| 9 | 30 | 29.52 |
| 10 | 35 | 32.80 |
| 14 | 45 | 45.93 |
| 15 | 50 | 49.20 |
| 18 | 60 | 59.05 |
| 20 | 66 | 65.60 |
| 30 | 100 | 98.40 |
| 31 | 102 | 101.70 |
| 36 | 120 | 118.11 |
| 40 | 130 | 131.20 |
| 180 | 600 | 590.55 |

2. Area Units

| | METRIC | | IMPERIAL | |
|--|-----------------|--|------------------------------|------------------------|
| | (square metres) | | (approximate) square feet | (exact) square feet |
| | 5 | | 50 | 53.81 |
| | 10 | | 100 | 107.63 |
| | 18 | | 200 | 193.75 |
| | 28 | | 300 | 301.38 |
| | 56 | | 600 | 602.77 |
| | 84 | | 900 | 904.16 |
| | 93 | | 1000 | 1001.04 |
| | 170 | | 1800 | 1829.86 |
| | 250 | | 2700 | 2690.97 |
| | 330 | | 3600 | 3552.09 |
| | 460 | | 4950 | 4951.39 |
| | 465 | | 5000 | 5005.21 |
| | 750 | | 8000 | 8072.93 |
| | 1190 | | 12000 | 11840.30 |
| | 1500 | | 16000 | 16145.86 |
| | (hectares) | | (acres) | (acres) |
| | 40 | | 100 | 98.84 |

APPENDIX B - DEFINITION ILLUSTRATIONS

ILLUSTRATION OF BASEMENT AND CELLAR DEFINITION



WHEN 'X' IS GREATER THAN 'Y'
THEN 'Z' IS A

BASEMENT

WHEN 'X' IS LESS THAN 'Y'
THEN 'Z' IS A

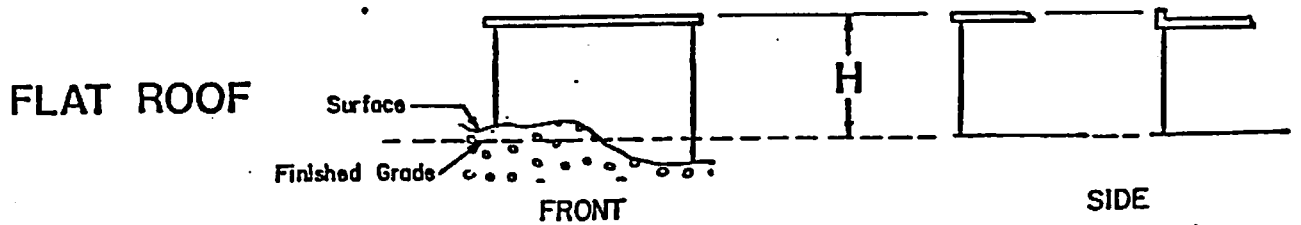
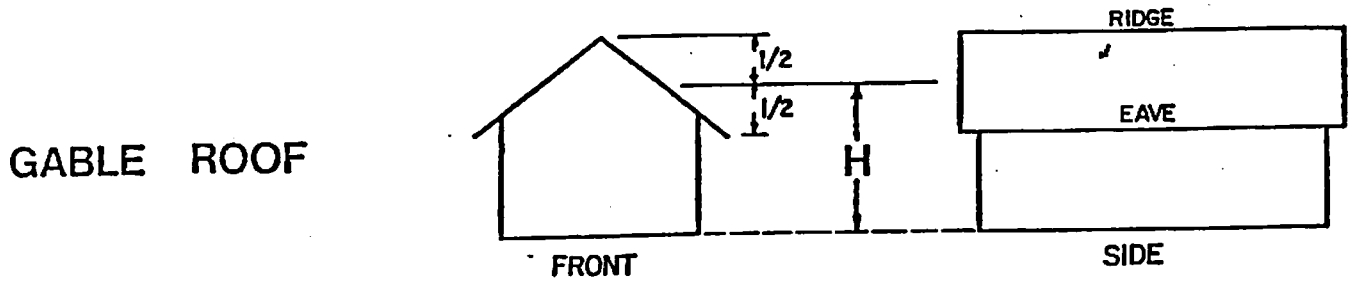
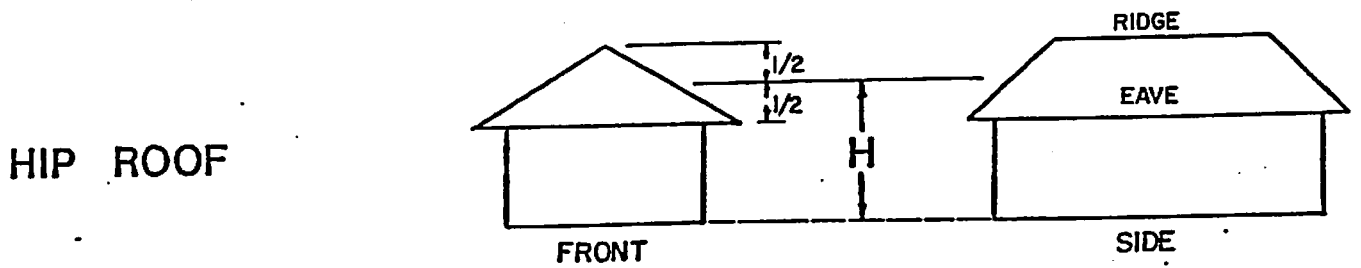
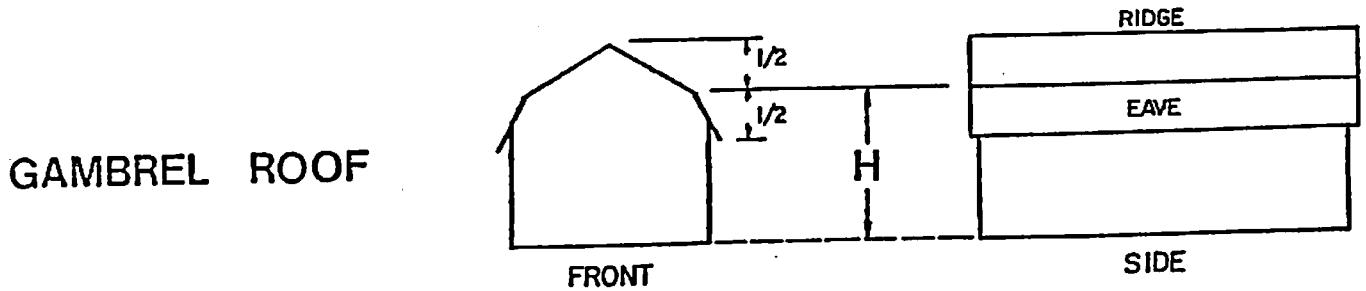
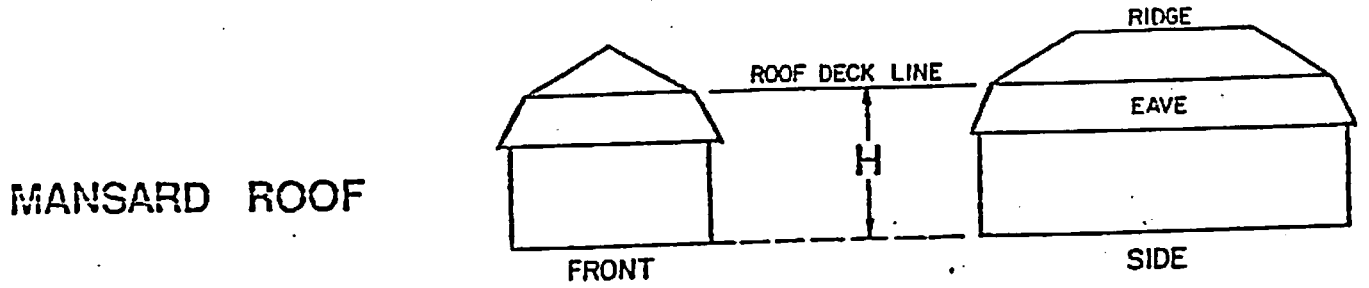
CELLAR
(BELOW GRADE)

N.B.
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INTENDED FOR CLARIFICATION & CONVENIENCE,
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ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



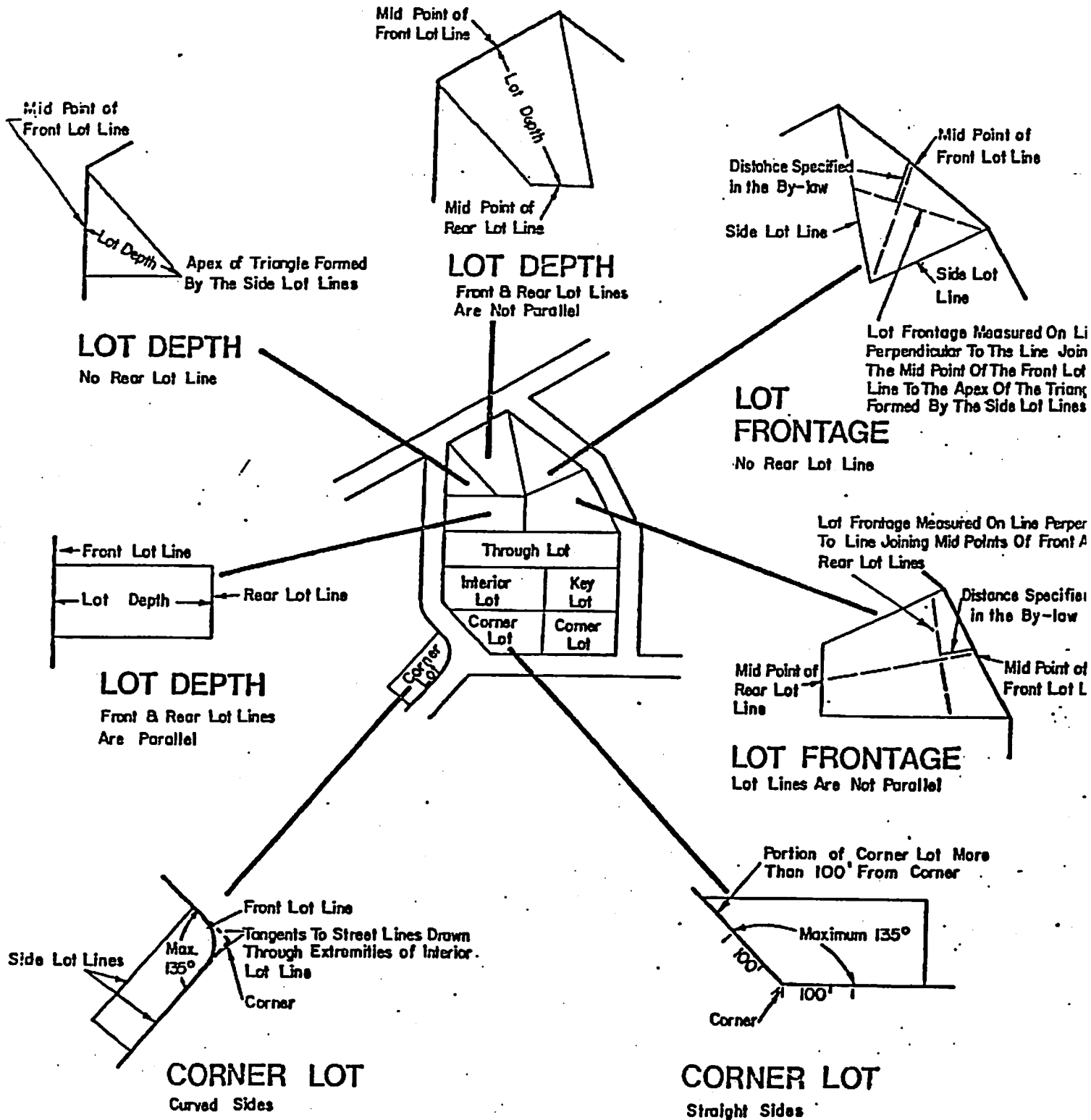
H - BUILDING HEIGHT

N.B.
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ILLUSTRATION OF LOT DEFINITIONS



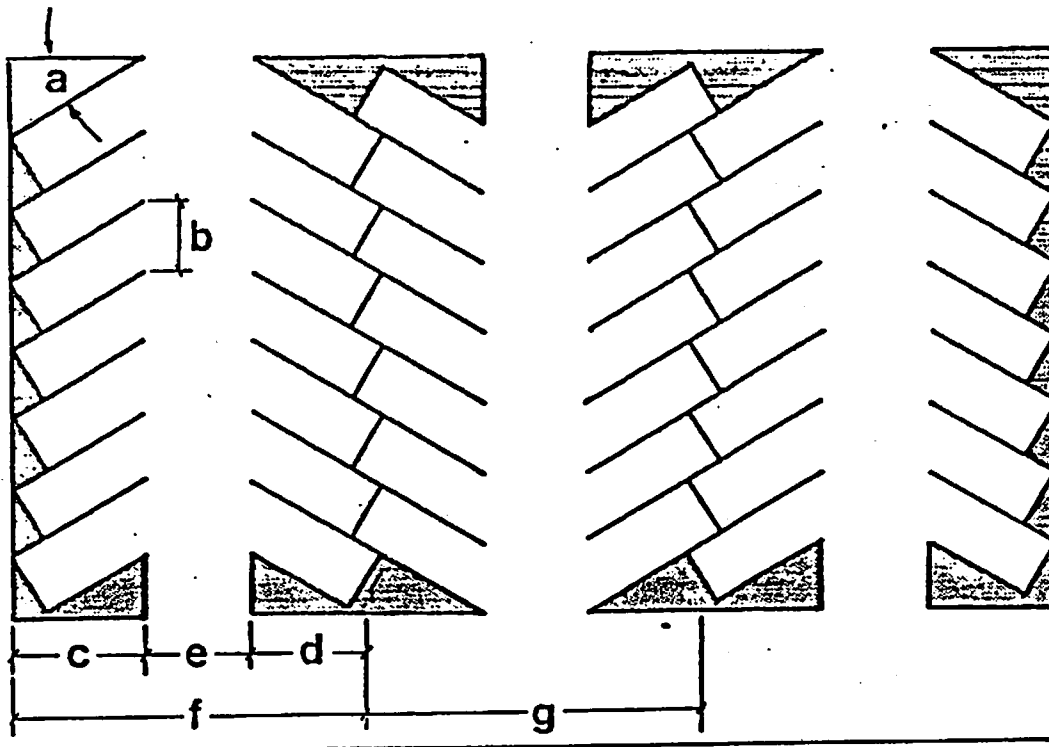
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ILLUSTRATION OF PARKING DEFINITIONS



LEGEND

- a** - parking angle
- b** - stall width parallel
- c** - stall depth to wall
- d** - stall depth to interlock
- e** - aisle width
- f** - wall to interlock
- g** - interlock to interlock

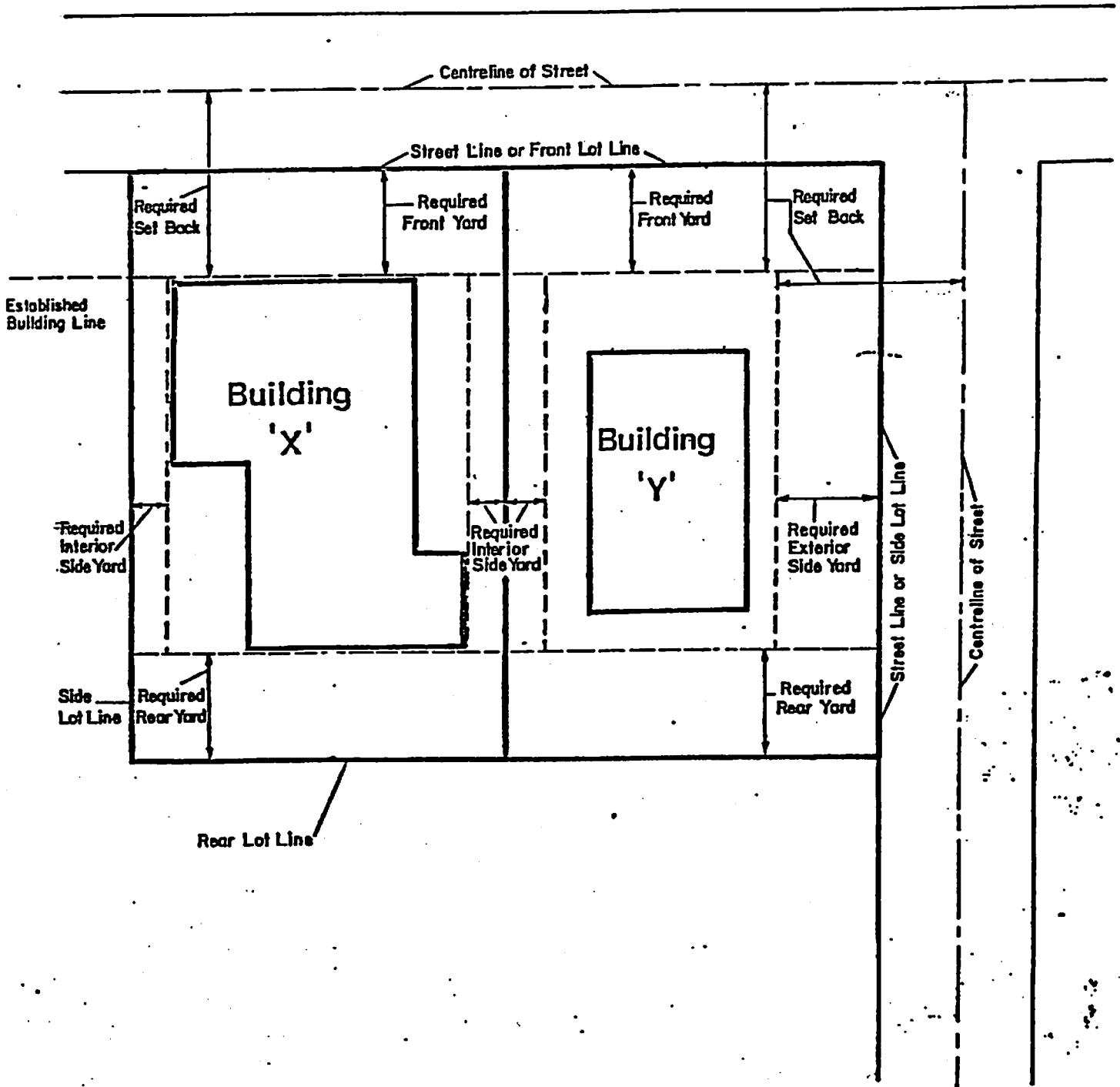
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ILLUSTRATION OF YARD DEFINITIONS



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