

# By-law #2021-xx HCM Zoning By-law

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## *Explanatory Note*

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

## **Section 1 Administration**

### 1.1 Head, Clara and Maria Zoning By-law

This By-law shall be known as the Zoning By-law or By-law No. 2021-xx of the Corporation of the Municipality of Head, Clara and Maria.

### 1.2 Applications and Plans

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

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

### 1.3 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Municipality of Head, Clara and Maria.

### 1.4 Enforcement

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

### 1.5 Inspection of Land, Buildings and Structures

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

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

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

### 1.6 Penalty

(a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, add Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction;

(b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction; and

(c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation pursuant to the provisions of the Municipal Act or the Planning Act in that behalf.

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

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the Planning Act, 1990, or its predecessor, are hereby repealed. The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

### 1.8 Validity

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

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

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

## 1.10 Conflict

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

## 1.11 Interpretation

(a) *The Legislation Act, S.O. 2006* applies to this By-law;

(b) Definitions

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

(c) Citation

This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Municipality of Head, Clara and Maria”), its short title (“Municipality of Head, Clara and Maria Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended;

(d) Gender Neutrality

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

(e) Plural and Singular

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

(f) References

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

(g) Measurement Units

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

## Section 2 CONFORMITY REQUIREMENTS

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

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

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

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

### Section 3 DEFINITIONS

*Explanatory Note* For the purpose of this By-law, the definitions and interpretations given in this Section shall govern.

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

#### A

##### **Abandoned**

Means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work during any continuous 12 month period.

##### **Abattoir**

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

##### **Accessory**

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

##### **Adventure Game**

Means an outdoor sport or recreation operated commercially in which participants attempt to capture a flag or some other object and return it to their home base, and may carry one or more of the following

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equipment: paint pellet pistols with a CO2 cartridge, paint pellets, safety goggles to prevent pellets from striking participants' eyes, and armbands to identify team participants.

### **Aggregate**

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

### **Agricultural Use**

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

- (a) The growing of crops, including all related activities such as soil preparation, manure or fertilizer storage and application, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops;
- (b) Animal husbandry including the raising, boarding, and keeping of all forms of livestock and fish, and all related activities such as breeding, training, feeding, manure storage and grazing;
- (c) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage and sale of the products; and
- (d) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities. Agricultural use shall not be construed to include commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

### **Airfield**

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

### **Aisle**

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

### **Alter**

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

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

(c) When used in reference to a shoreline

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

### **Ambulance Facility**

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

### **Antique Store**

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

### **Attached**

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

### **Auto Body Shop**

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

### **Auto Repair Garage**

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

### **Auto Service Station**

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

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## **Automotive Sales Establishment**

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

## **B**

### **Basement**

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

### **Batch Plant, Asphalt or Concrete**

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

### **Bed and Breakfast Establishment**

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

### **Boat House**

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

### **Building**

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

### **Building Height**

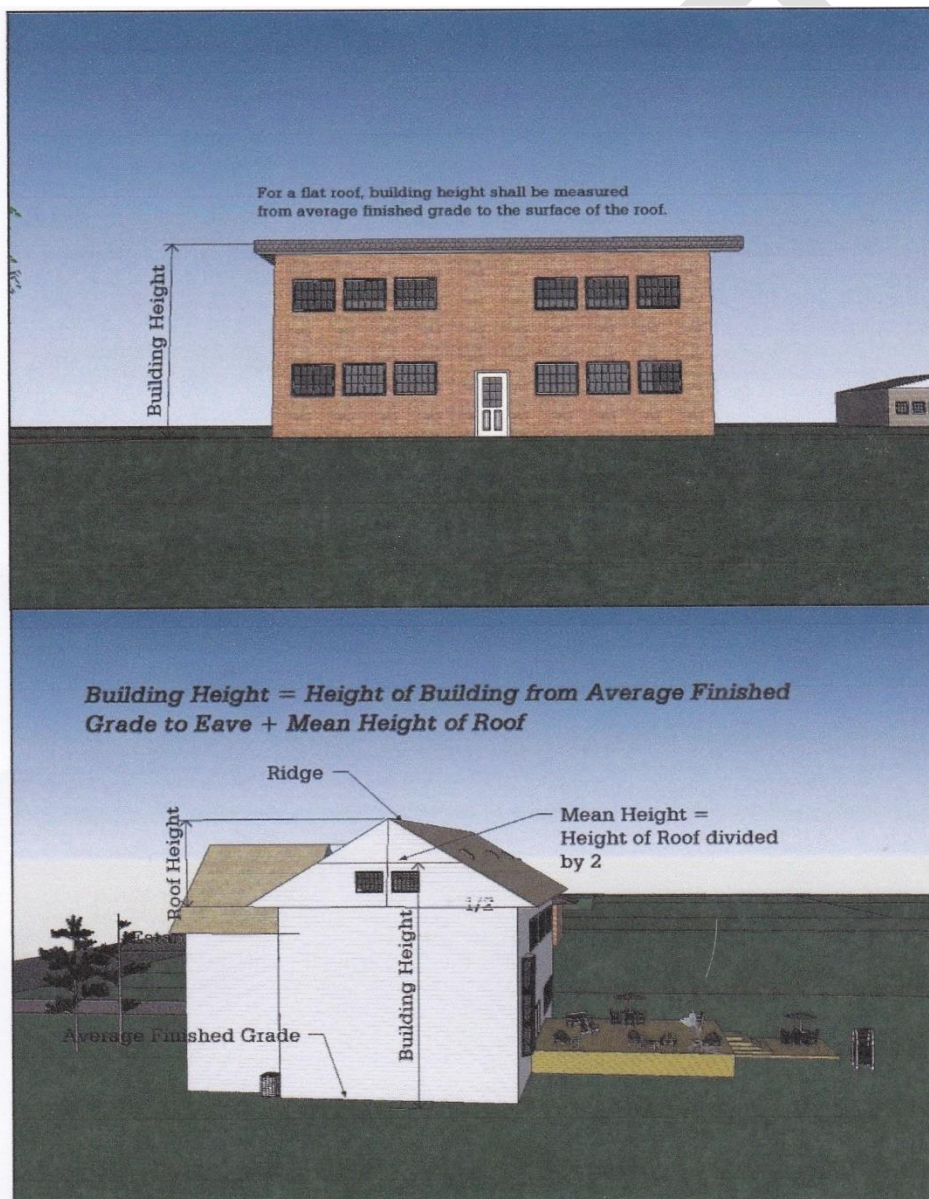
Means the vertical distance between the average finished grade at the base of the building and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in



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the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.

### Illustration of Building Height





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## **Building, Main**

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

## **Building Supply Store**

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

## **C**

### **Camp (Hunt Camp, Fishing Camp)**

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

### **Camp, logging**

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

### **Camp, Temporary Work**

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

### **Campground - Private**

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

### **Campground - Recreational**

Means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which without

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limiting the generality of the foregoing, shall include, but shall not be limited to the following: children's camp or establishment, religious camp, institutional camp, or other like or similar camp or establishment, but shall not include a tourist establishment.

### **Campground - Tourist**

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

### **Car Port**

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

### **Car Washing Establishment**

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

### **Catering Establishment**

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

### **Cemetery**

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

### **Chief Building Official (CBO)**

Means an officer or employee of the Corporation of the Municipality of Head, Clara and Maria charged with the duty of enforcing the provisions of the Building Code Act.

### **Clinic**

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

### **Commercial Greenhouse**

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

### **Commercial Vehicle**

Means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

### **Communications Facility**

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

### **Community Centre**

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

### **Condominium**

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

### **Conservation Use**

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

### **Construction Yard or Contractor's Yard**

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

### **Continuum-of-Care Facility**

Means a facility which may include a senior citizens apartment building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the

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

### **Convenience Store**

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

### **Corporation**

Means the Corporation of the Municipality of Head, Clara and Maria.

### **Council**

Means the Council of the Corporation of the Municipality of Head, Clara and Maria.

### **Crisis Care Facility**

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

## **D**

### **Day Nursery - Licensed**

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

### **Day Nursery - Private Home**

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

### **Deck**

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

### **Detached**

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

### **Development**

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

### **Dock, Floating**

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

### **Dock, Permanent**

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

### **Driveway**

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

### **Dwelling Unit**

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

### **Dwelling - Accessory**

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

### **Dwelling - Apartment**

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

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

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

### **Dwelling - Converted**

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

### **Dwelling - Duplex**

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

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

### **Dwelling, Park Model Trailer**

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

### **Dwelling Unit - Seasonal**

Means a dwelling constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof. A seasonal dwelling unit is not to be used for full time residential occupancy. A seasonal dwelling unit shall include a Park Model Trailer Dwelling.

### **Dwelling - Semi-detached**

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

### **Dwelling - Single-detached**

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

### **Dwelling - Triplex**

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

## **E**

### **Easement**



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

### **Equestrian Establishment**

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

### **Equipment Rental Establishment**

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

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

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

### **Erect**

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

### **Established Grade**

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

### **Existing**

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

## **F**

### **Farm Produce Outlet**

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

### **Farmer's Market**

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

### **Fence**

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

### **Fish Habitat**

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

### **Flea Market**

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

### **Floodline**

Means a line established by a one in one hundred year storm which is determined by the flood plain mapping of the Geographic Survey of Canada.

### **Flooding Hazards**

Means the inundation of areas to a shoreline or a river or stream system and not ordinarily covered by water and is described as the one hundred year flood.

### **Flood Plain**

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

### **Flood Proofing**

Means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

### **Floor Area - Gross**

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

### **Floor Area - Net**

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

- (a) Any private garage, porch, veranda, and unfinished basement, cellar or attic;

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(b) Any part of the building or structure below grade which is used for building services, storage or laundry facilities; and

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

### **Forestry Use**

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

### **Fuel Depot**

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

### **Funeral Parlour**

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

## **G**

### **Garage - Municipal**

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

### **Garage - Private**

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

### **Garden Centre**

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

### **Garden Suite**

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

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### **Gasoline Bar**

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

### **Gasoline Card Lock Facility**

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

### **Golf Course**

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

### **Group Home**

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

## **H**

### **Habitable Room**

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

### **Helipad**

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

### **Heliport**

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

### **High Water Mark**

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

### **Home Based Business**

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

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

I

### **Industrial Use**

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

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

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

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

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

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

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

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

### **Institutional Use**

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

## **JK**

### **Kennel**

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

## **L**

### **Landscaped Open Space**

Means:

- (a) A combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed



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to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; and

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

### **Laundromat**

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

### **Licensed Refreshment Sales Vehicle**

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

### **Livestock Facility**

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

### **Livestock Sales Outlet**

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

### **Loading Space**

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

### **Log Hauling Operation**

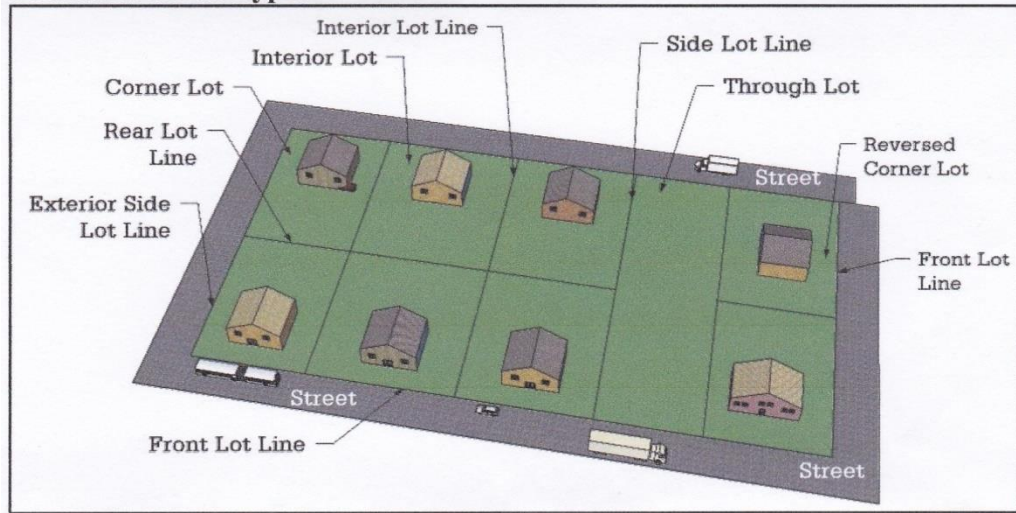
Means an area of land and/or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment belonging to the logging operator or contractor.

### **Lot**

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

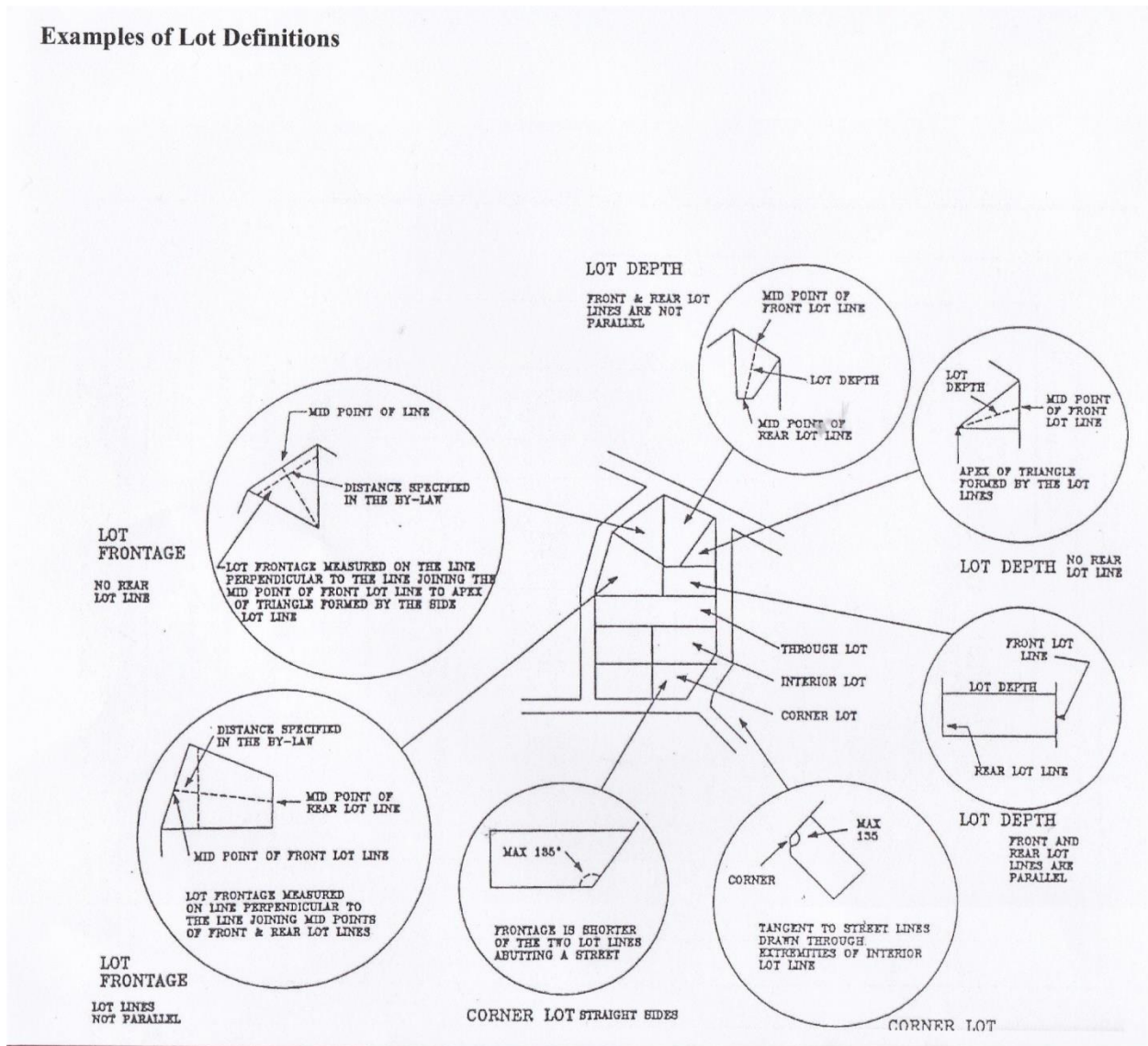
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## Definition of Lot Types



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## Examples of Lot Definitions



### Lot Area

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

### Lot, Corner

Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees. Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

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## **Lot Coverage**

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

## **Lot Depth**

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

## **Lot Frontage**

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

## **Lot Interior**

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

## **Lot Line**

Means a boundary line of a lot.

## **Lot Line - Exterior Side**

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

## **Lot Line, Front**

Means:

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

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(e) In case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

### **Lot Line, Rear**

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

### **Lot Line, Side Interior**

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

### **Lot, Through**

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

### **Lot, Width**

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

### **Lumber Yard**

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

## **M**

### **Main Building**

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

### **Main Wall**

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

### **Manure or Material Storage**

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

### **Marina**

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

### **Marine Facility**

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

### **Mine Hazard**

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

### **Mineral Deposits**

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

### **Mini Warehouse and Public Storage**

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

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

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

### **Mobile Home Unit**

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

### **Mobile Home Park**

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



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## **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, Recreational Vehicle, or a Park Model Trailer as otherwise defined.

## **Motel**

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

## **Municipality**

Means the Municipality of Head, Clara and Maria.

## **N**

### **Natural Heritage Features**

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

### **Negative Impacts**

Means:

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

### **Non-Complying**

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

### **Non-Conforming**

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

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## **Nursery**

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

## **Nutrient Unit**

Means an amount of nutrients that give a fertilizer replacement value of the lower of 43 kilograms of nitrogen, or 55 kilograms of phosphate as nutrient (as defined in Ontario Regulation 267/03 made under the Nutrient Management Act) and correlates to the number of types of livestock for a given nutrient unit.

## **O**

### **Obnoxious Uses**

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

### **Occupancy Permit**

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

### **Official Plan**

Means the Renfrew County Official Plan or parts thereof and amendments thereto.

### **Office**

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

### **Open Space**

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

### **Open Storage**

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

### **P**

#### **Park**

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

#### **Parking Aisle**

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

#### **Parking Area**

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

#### **Parking Lot - Commercial**

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

#### **Parking Space**

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

#### **Person**

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

#### **Personal Service Establishment**

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

### **Pit or Quarry**

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

### **Place of Amusement**

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

### **Place of Assembly**

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

### **Place of Worship**

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

### **Planning Board**

Means the Renfrew County Planning and Land Use division.

### **Playground**

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

### **Portable Asphalt/Concrete Plant**

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

### **Printing and Publishing Establishment**

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

### **Private Club**

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

### **Private Road**

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

### **Public Access Point**

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

### **Public Authority**

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

### **Public Street**

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

### **Public Service Use**

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

### **Public Utility**

Means a water works or water supply system sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply

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system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

### Q

**Quarry** see **Pit or Quarry**

### R

#### **Recreational Commercial Establishment**

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

#### **Recreational Vehicle**

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

#### **Recreational Vehicle Sales and Storage and Repair**

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

#### **Redevelopment**

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

#### **Registered Plan**

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

#### **Restaurant**

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

#### **Restaurant, Take-Out**

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

### **Retail Store**

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

### **Road (See Public Street)**

## **S**

### **Salvage Yard**

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

### **Sauna**

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

### **Sawmill or Planing Mill**

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

### **School**

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

### **School, Private**

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

### **Seating Capacity**

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

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## Secondary Dwelling Unit

Also known as accessory or basement apartments, secondary suites and in-law flats, a secondary dwelling unit is a self-contained residential unit with kitchen and bathroom facilities. A secondary dwelling unit is permitted within a single detached, semi-detached, or row house dwelling, or within structures accessory to dwellings (such as above garages). Secondary dwelling units are also permitted as separate, detached dwellings.

## Sensitive Land Use

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

## Service Outlet

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

## Setback

Shall mean:

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

## Sewage and Water Systems

(a) **Communal Services** Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

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



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

(c) **Partial Services** Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

### **Shooting Range or Rifle Club**

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

### **Shoreline**

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

### **Sight Triangle**

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

### **Sign**

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which: (a) Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and  
(b) Which is used to advertise, inform, announce, claim, give publicity or attract attention.

### **Sleep Cabin**

Means an accessory building or structure, not exceeding 37 m<sup>2</sup> (400 ft.<sup>2</sup>) in gross floor area, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities.

### **Storey**

Means that portion of a building other than a cellar or basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

### **Street Allowance**

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

### **Street Line**

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

### **Structure**

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

### **Studio**

Means a building or part thereof used,

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

### **Swimming Pool**

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

## **T**

### **Tavern or Roadhouse**

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

### **Tourist Establishment**

Means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a motel, lodge or bed and breakfast, and rental cottage or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

### **Tourist Outfitters Establishment**

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

### **Township**

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Means the Corporation of the Municipality of Head, Clara and Maria.

### **Trailer (see Recreational Vehicle)**

### **Transportation Depot**

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

### **Transfer Station**

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

## **U**

### **Use**

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

## **V**

### **Veterinary Establishment**

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

### **Video Rental Outlet**

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

## **W**

### **Warehouse**

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

### **Waste Management Facility**

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

### **Water Frontage**

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

### **Water Body**

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

### **Water Taking-Commercial**

Means the taking of water for commercial sale or purposes.

### **Wayside Pit**

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

### **Wayside Quarry**

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

### **Welding Shop**

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

### **Wetland**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### **Wildlife Habitat**

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

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### **Wind Farm**

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

### **Wind Turbine**

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

### **Wind Turbine, Commercial**

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

### **Workshop or Custom Workshop**

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

## **Y**

### **Yard**

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

### **Yard, Front**

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

### **Yard, Rear**

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

### **Yard, Side**

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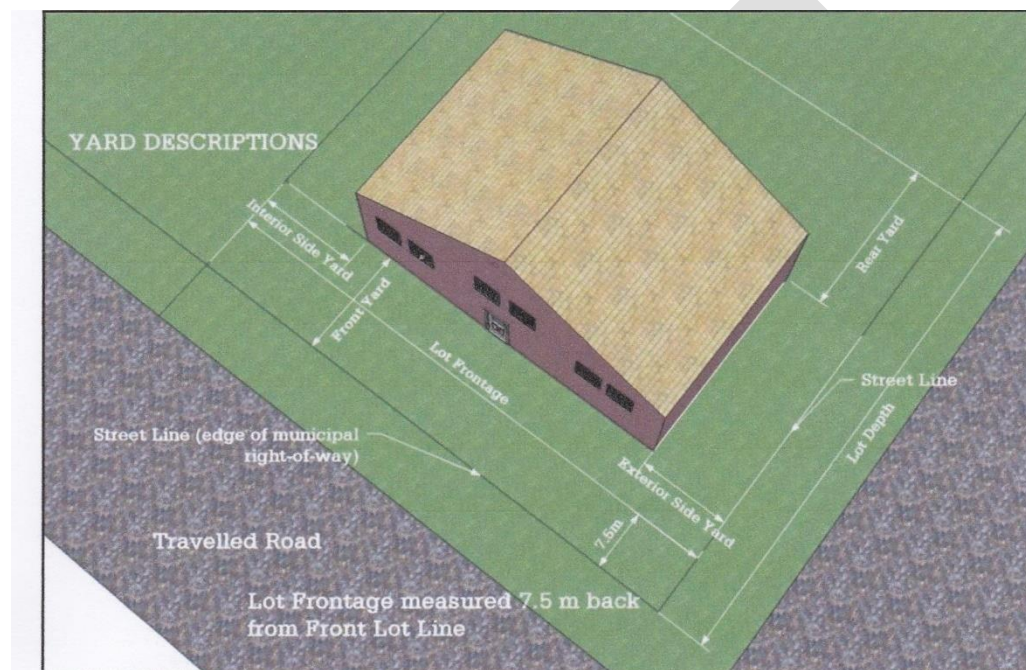
Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

### **Yard, Side Exterior**

Means a side yard adjacent to a public street.

### **Yard, Side - Interior**

Means a side yard other than an exterior side yard.



## **Z**

### **Zone**

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

### **Zone Regulation**

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

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## Zoning Administrator

Means the officer, employee or such other person as may from time-to-time be designated by Council, charged with the duty of enforcing the provisions of this By-law. The Zoning Administrator for HCM is the CBO.

## Section 4 GENERAL PROVISIONS

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

### 4.1 Accessory Buildings, Structures and Uses

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

- (a) All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same zone as the principal use. No accessory building shall be erected prior to the erection of the main building on the same lot, except where it is necessary for the storage of the tools, and materials for the use in connection with the construction of the main building or structure, and no such accessory building shall, prior to the erection of the main building, be used for any purpose other than storage and shall not be used for habitation unless otherwise permitted by this By-law;
- (b) The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use;
- (c) No accessory use shall be erected closer to the front line or the exterior side lot line than the minimum front yard and external side yard setbacks required for the main building; This provision shall be exempted:
  - i) For lots with water frontage;
  - ii) For a partially enclosed shelter for use by children waiting for a school bus, if such use is located in a rural zone and provided the front yard setback for the shelter is 3 m [9.84 ft];
  - iii) For any farm produce outlet having a gross floor area of less than 9.5 m<sup>2</sup> [102.2 ft<sup>2</sup> ], if such use is located in a rural zone;
  - iv) For a lot in a rural zone to the extent that accessory uses, buildings and structures may be located in the front yard provided that the minimum front yard depth for the main building shall be double the front yard depth otherwise required for the zone, provided that the accessory uses, buildings or structures shall be in compliance with the front yard, interior and exterior side yard requirements for the main buildings or structures in the zone and provided that all other relevant provisions of this By-law are complied with;

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- v) For open or outdoor storage, where permitted in this By-law;
- vi) For a temporary car shelter; and
- vii) For a gate house used for security for a gated residential complex, or a permitted non-residential use provided the front yard setback for the gate-house is 3 m [9.84 ft].

(d) Except where specified otherwise, no accessory building shall be erected closer than 2 m [6.56 ft] to any interior side lot line, rear lot line or the main building;

(e) Accessory uses, excluding open swimming pools, shall not cover more than 5 % of the lot area in any zone. This shall be calculated as part of the maximum lot coverage permitted in any zone;

### Boathouse Setback

(f) Despite Section 4.1.1 (c) and (d) above, a boat house, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 3.0 m [9.8 ft] to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water (see illustration);

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

#### (a) Open Pools

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



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### (b) Covered Pools

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

(c) **Pools in the Flood Plain** The establishment of any swimming pool in an identified flood plain area shall be subject to the approval of the Conservation Authority.

### 4.1.3 Bed and Breakfast

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

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

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

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

#### (a) Gasoline Pump Island

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

#### (b) Separation of Propane Tanks and Natural Gas Tanks

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

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

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

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

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

### **4.4 Camp**

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

### **4.5 Change of Use**

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

### **4.6 Crown Lands**

Crown Lands are not subject to the provisions of this By-law

### **4.7 Cumulative Standards**

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

### **4.8 Day Nurseries**

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

### **4.9 Dwellings per lot**

No more than one building used as a dwelling containing one or more dwelling units shall be erected on any lot except for Garden suites and Secondary Dwelling Units.

### **4.10 Exception Zone**

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Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply. A number after the "-X" (e.g., R-X1) indicates the order of the various exception zones.

### 4.11 Farm Use

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

### 4.12 OTTAWA RIVER FLOODPLAIN

a) For lands affected by the floodplain of the Ottawa River between the Rolph/Head Township boundary and including Bissetts Creek, the following provisions shall apply:

- i) No buildings or structures shall be constructed or erected, including additions or enlargements to existing buildings within the floodplain of the Ottawa River unless flood-proofed to the floodplain design elevation of 154.7 metres (507.2 ft)G.S.C. (Geographic Survey of Canada). An elevation survey prepared by an Ontario Land Surveyor shall accompany all applications for building permits. All flood-proofing methods shall be consistent with accepted engineering techniques and resource management practices;
- ii) No buildings or structures, with the exception of boat docking and launching facilities, shall be permitted on lands below the floodway elevation of 154 metres (505 ft)(G.S.C.)

b) For lands affected by the floodplain of the Ottawa River above Bissetts Creek and up to the Clara Township/Nipissing District boundary the following provisions shall apply:

- i) The floodplain may be determined by a one-in-one hundred year flood elevation study;
- ii) No buildings or structures shall be constructed or erected within the floodplain;
- iii) Notwithstanding subsection 3.14 (b) ii) existing buildings and structures within the floodplain may be expanded if the building permit is accompanied by an elevation survey and all floodproofing methods are consistent with accepted engineering techniques and resource management practices;
- iv) Notwithstanding subsection 3.14 (b) ii) boat docking and launching facilities are permitted.

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

#### 4.12.1 Permitted Uses

- (a) Buildings or Structures Intended for Flood or Erosion Control or Slope Stabilization;

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- (b) All Buildings and Structures in Existence on the Day of the Passing of this By-law;
- (c) Conservation Uses;
- (d) Forestry Uses;
- (e) Parks without Buildings or Structures;
- (f) Hydro-electric generating facilities subject to Section 4.10.3; and
- (g) Marine Facilities

### 4.12.2 Prohibited Uses

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

### 4.12.3 Additional Provisions

- a) Any new building or structure or any expansion of or addition to any buildings or structures permitted in the Flood Plain after the day of the passing of this By-law must incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage or damage from unstable slopes; and
- (b) Modification of the flood plain through the placing or dumping of fill, excavation, changing the channel of any water body or diverting a water course within the prescribed limits of the fill lines is prohibited. NOTE: See Minimum Distance Separation (Special Setbacks), Section 4.18 for setback requirements from water bodies and the provisions of Section 5.11 - Environmental Protection Constraint (EP) Area

### 4.13 Frontage on a Public Street or Private Road

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

- (a) For any permitted use on an island provided a public access point is available on the main land;
- (b) Infill on a private road existing on the day of the passing of this by-law;
- (c) A camp;
- (d) A resource related use on Crown Land;
- (e) A communications facility;

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- (f) A public utility;
- (g) A wayside pit or quarry; and
- (h) Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.

### **4.13.2 Exception for Existing Agreements**

(a) Despite Section 4.13.1, where a maintenance agreement exists between the municipality and a land owner and is registered on title, frontage on an unopened or unmaintained public right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the standards set out in the corresponding zone or any exception thereto;

(b) Despite Section 4.13.1, where an access agreement registered on title between or amongst landowners provides for a right-of-way to an existing lot of record, or the lot of record has water access only, the access requirements shall be deemed to conform with the provisions for access of this By-Law.

### **4.13.3 Ministry of Transportation Access Requirements**

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

### **4.14 Garden Suites**

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

### **4.15 Group Homes**

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

### **4.16 Home Based Businesses**

The following uses shall be considered Home Based Businesses:

- (a) Professional and consulting services (e.g., architect, engineer, financial advisor, accountant, insurance agency, consultant, legal services, physician, teleworking, surveyor);

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

### 4.17 Illumination

Illumination of buildings and grounds shall be permitted provided that:

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

### 4.18 Helipad, Heliport

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

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

### 4.19 Land Suitability for Use and Organic Soils

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

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

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

### **4.21 Mine Hazards**

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

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

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

(a) **Setback from Highway 17 or the Algonquin Trail.** The setback shall be as determined by a noise and/or vibration study if such is required by the Renfrew County Planning and Land Use division or Council and shall be generally measured from the point source of the emission to the property line of the receptor land use;

(b) **Waste Management Facility**

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

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- ii) No development or land use shall be permitted within 30 m [98.4 ft] of the (licensed) fill area of an active waste management facility; and
- iii) No waste management facility shall be permitted within 30 m [98.4 ft] from any watercourse, lake or pond. In addition no waste management facility shall be permitted on land covered by water or in any area subject to flooding (see Section 4.11.3);

(c) **Pits and Quarries:** The minimum separation distance between a sensitive land use (e.g., residential use, daycare centre, educational or health facility) and the boundary of a Mineral Aggregate Resource Area of a pit shall be 70 m [230 ft] or 300 m [984 ft] for a quarry. Within an influence area of 300 m [984 ft] from the boundary of a Mineral Aggregate Resource Zone Boundary for a pit or 1,000 m [3,280 ft] for a quarry, respectively, no sensitive land use shall be permitted unless appropriate measures have been undertaken to mitigate adverse or potential adverse impacts such as visual impacts, noise, dust, traffic or ground water quality or quantity. Adverse effects may be addressed by means of a phasing plan, rehabilitation plan, landscaping berming, specified truck routes or other measures acceptable to Council;

(d) **Industrial Uses:**

**i) Class I Industrial:**

Includes light industrial uses defined as a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions e.g. noise, dust, odour and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Examples include electronics manufacturing, furniture repair, auto parts supply, packaging and crafting services. The minimum separation distance from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 20 m [65.6 ft] measured from property line to property line while the influence area shall be 70 m [230 ft];

**ii) Class II Industrial:**

Includes a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials and or periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for noise, odour, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include feed packing plant, paint spray booths, dry cleaning services, electrical production manufacturing. The minimum separation distance for this industrial classification from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 70 m [230 ft] while the influence area shall be 300 m [984 ft]; and

**iii) Class III Industrial:**

Describes large scale industries with substantial variations in industrial processes, shift operations, large production volumes, outdoor storage of raw and finished products and therefore emissions (e.g., noise vibration, odour, particulate and gaseous discharges or



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combinations may be anticipated). Examples of heavy industries include refineries, salvage yard, pulp and paper mill etc. The minimum separation distance for this industrial classification from a sensitive land use (e.g., residential use, daycare centre, educational or health facility) shall be 300 m [984 ft] while the influence area shall be 1,000 m [3,280 ft].

### (e) **Agricultural Use:**

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

### (f) **Water Bodies**

Subject to Section 4.11, the minimum setback from the shoreline for a habitable structure (dwelling), a non-residential building or on-site sewage disposal system shall be 30 m [98.4 ft] except for a boat house, dock, wharf or low impact accessory structure such as a steam or sauna bath, gazebo, storage shed. The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter bed/tile bed to the shoreline.

## **4.23 Natural Heritage Features**

### **4.23.1 Deer Yards**

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

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

### **4.23.2 Requirements for Natural Heritage Features**

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

#### **Feature or Area**

- (a) Significant habitat of Endangered & Threatened Species 50 m [164 ft]

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- (b) Significant Wetlands 120m [393.7 ft]
- (c) Fish Habitat 30 m [98.4 ft]
- (d) Significant Wildlife Habitat 50 m [164 ft]
- (e) Areas of Natural and Scientific Interest 50 m [164 ft]

### **4.24 Non-Conforming and Non-Complying Uses**

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

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

#### **(b) Prior Building Permits**

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

#### **(c) Road Widenings**

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

#### **(d) Reconstruction of Existing Use**

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

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

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

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requirements of this By-law, provided such renovation, extension or addition does not further reduce the requirements of this By-law and does not contravene any other requirements of this By-law or any requirements of Ministries and agencies; and

### **(f) Existing Undersized Lots**

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

### **4.25 Occupancy Restrictions**

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

- (a) Any private garage or other building which is accessory to a residential use;
- (b) Any truck, bus, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels;
- (c) Any dwelling before the main wall and roof have been erected, the finished roofing material has been installed and the kitchen, heating and sanitary conveniences have been installed and are operating.
- (d) Any dwelling before an occupancy permit has been issued.

Despite the above, seasonal or temporary accommodation shall be permitted in a recreational vehicle.

For the purpose of this section, human habitation shall mean any human occupancy cumulatively more than 60 days in any calendar year.

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

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

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

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- (b) Where outside storage areas abut a zone in which residential uses are permitted, the required setback of the outside storage area shall be increased to 10.0 [32.8 ft] and must also be visually screened from any zone in which residential uses are permitted;
- (c) Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law; and
- (d) These provisions shall not apply to a garage or yard sale.

### 4.27 Parking and Storage of Vehicles

- (a) Except as provided herein, no vehicles shall be parked or stored in a zone in which residential uses are permitted unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law;
- (b) No parking space in a zone in which residential uses are permitted shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid;
- (c) Each standard parking space shall have a minimum width of 2.7 m [8.9 ft] and a minimum length of 6.0 m [19.7 ft]. Each barrier-free parking space shall have a minimum width of 3.7 m [12.1 ft] and a minimum length of 6.0 m [19.7 ft];
- (d) Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided;
- (e) The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs then parking spaces for the addition or area changed in use shall be provided;
- (f) Unless otherwise specifically provided elsewhere in this By-law, no driveway which provides ingress and egress to and from any lot or parking space shall pass through zones other than the one containing the permitted use;
- (g) Parking area for more than four vehicles, supplementary regulations:
  - i) The parking area shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials and shall be maintained and treated so as to reduce dust scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the Corporation;

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- ii) Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 m [19.7 ft] for two-way traffic and 3.5 m [11.5 ft] for one-way traffic where parking is angled; and
- iii) A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m [11.5 ft] where designed for one-way vehicular circulation or 6.0 m [19.7 ft] where designed for two-way vehicular circulation.

### (h) Barrier Free (Handicapped Parking)

Wherever barrier-free access to a building is required under the Building Code, one barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements;

(i) Except where permitted elsewhere in this By-law, the required parking for residential uses of land shall be provided on the same lot as the dwelling unit. In all other zones, parking shall be provided within 100 m [328 ft] of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same; and

(j) Despite Section 4.24, if the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.

### 4.28 Schedule for parking requirements

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

Schedule for Parking Requirements:

USE MINIMUM NUMBER OF REQUIRED PARKING SPACES

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

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



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

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

### 4.30 Permitted Projections

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

STRUCTURE MAXIMUM PROJECTION INTO REQUIRED YARD

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STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.75 m [2.46 ft] into any required front, rear or side yard
Canopies which are at least 2.13 m [7 ft] in vertical clearance above the established grade, with or without supporting posts	2.0 m [6.5 ft] into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (1/2) the setback of the building from the street line
Window awnings	1.2 m [3.9 ft] into any required yard
Steps, ramps for use by handicapped, and walkways	No maximum into any required yard
Unenclosed porch, uncovered platform landing, patio or sun deck, balconies or steps	No maximum into any side yard and 3.0 m [9.8 ft] into any required front or rear yard
Accessory building	As permitted by and as specified in this By-law

### 4.31 Prohibited Uses

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

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

#### 4.31(a) Recreational Vehicles

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

- (a) A recreational vehicle shall not be used as a dwelling unit or for permanent occupancy;



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(b) A recreational vehicle shall be permitted within a recreational vehicle park, private campground, recreational campground or a tourist campground;

(c) One recreational vehicle (**per hectare?**) only may be stored on a lot occupied by a seasonal dwelling or a permanent dwelling unit and may be used for short term accommodation for a period not exceeding a total accumulated period of 60 (**80**) days in a calendar year;

(d) One recreational vehicle (**per hectare?**) only may be stored on a vacant lot record provided all of the zone standards for the respective zone are complied with (i.e., lot area and frontage, yard setbacks and shoreline setbacks);

(e) One recreational vehicle (**per hectare?**) only may be used on a vacant lot of record for leisure or vacation purposes provided:

- i) The period of occupancy does not exceed a total accumulated period of 60 (**80**) days in a calendar year; and
- ii) The lot is serviced with an approved sewage disposal system; and
- iii) Except for a deck, no enclosures, roof-overs, extensions or additions are constructed unless such structures have been specifically designed or pre-engineered for the recreational vehicle by the manufacturer or after-market manufacturer and are capable of being removed. No such structures shall be permitted which have the effect of rendering the recreational vehicle as a permanent structure or permanent residential dwelling on a lot or site; and
- iv) One only detached private garage or accessory storage building or structure may be constructed; and
- v) All of the zone standards for the respective zone are complied with (i.e., lot area and frontage, yard setbacks and shoreline setbacks).

(f) The Municipality may impose a license fee as permitted pursuant to the Municipal Act for the use of any recreational vehicle(s) on a vacant lot of record. On a vacant lot of record exceeding 5(**1**) ha [12.3 ac](**2.5** ac), one additional recreational vehicle (**per ha**) shall be permitted to be used for a period not exceeding a total accumulated period of 60 (**80**) days in a calendar year.

### **4.32 Secondary Dwelling Unit**

Also known as accessory or basement apartments, secondary suites and in-law flats, a secondary dwelling unit is a self-contained residential unit with kitchen and bathroom facilities.

A secondary dwelling unit is permitted within a single detached, semi-detached, or row house dwelling, or within structures accessory to dwellings (such as above garages).

Secondary dwelling units are also permitted as separate, detached dwellings.

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Secondary dwelling units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws.

For properties that are serviced by private septic system and well, a secondary dwelling unit shall be permitted on lots greater than 0.8 Ha in area. The secondary dwelling is required to share the same water and septic/sewer services as the primary dwelling unit.

Secondary dwelling units on properties that are greater than 2 ha are not required to share the same water and septic systems.

For lots less than 0.8 Ha in area, but greater than 0.4 Ha, a secondary dwelling unit may be considered on a case-by-case basis through the submission of a minor variance application. The proponent of the application will be required to demonstrate that the site is suitable for the proposed secondary unit including matters such as (but not limited to): dwelling unit area, minimum lot area, surrounding land uses, parking, and servicing. An engineering report prepared by a qualified professional shall be submitted with the minor variance application that demonstrates that the additional effluent output can be satisfactorily managed and that there is a potable source of water (quantity and quality) for the secondary unit.

A site plan is required prior to approval of a secondary dwelling unit.

A secondary dwelling unit may not be severed from the lot with the primary dwelling.

Mobile homes and Recreational Vehicles will not be considered as a secondary dwelling.

A secondary dwelling shall not be permitted on 'at capacity lakes' or 'lakes near capacity'. A secondary dwelling may be permitted on waterfront properties by minor variance provided a study is submitted demonstrating no negative impacts on the water body, the availability of potable drinking water (quantity and quality), and that addresses septic effluent. A site plan is required.

### **4.32 Sight Triangles**

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

### **4.33 Sleep Cabin**

A maximum of one sleeping cabin per lot shall be permitted as an accessory use to a main permitted residential building or structure. Sleeping cabins shall not exceed 37 m<sup>2</sup> [398.3 ft<sup>2</sup>] in gross floor area. The regulations under Section 4.1, Accessory Buildings, Structures and Uses shall also apply to the establishment of a sleep cabin.

### **4.34 Streets and Parks**

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

### **4.35 Temporary Buildings or Structures**

During Construction Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required. In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:

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

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

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

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

- (a) No goods, materials or equipment shall be stored in the open;
- (b) The lot coverage and setback regulations of the zone in which such land, building or above ground structure is located shall be complied with; and
- (c) Parking and loading requirements as contained in this By-law shall be complied with. A communications facility established by a public or private authority shall be permitted in any Rural (R) Zone or Limited Service Rural (LSR) Zone, provided the construction standard complies with the applicable provincial and federal statutes and regulations and provided that the base of any freestanding tower is set back a minimum of 30 m [98.4 ft] from any lot line.

### **4.37 Water and Sewage Disposal Systems**

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

### **4.38 Wind Turbine and Renewable Energy Undertaking**

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

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

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

## **Section 5 ZONES**

### **5.1 ZONE CLASSIFICATION**

For the purposes of this By-law, the entire Municipality of Head, Clara and Maria is zoned Rural.

(1) The Rural designation on the Land Use Schedule(s) shall mean that the permitted uses shall include agricultural, forestry, limited low density residential, commercial, industrial, recreational, institutional, resourcebased recreational uses (including recreational dwellings), and conservation uses subject to the location and development criteria specified in Section 2.0 of the Renfrew County Official Plan(RCOP) and the following sections.

(2) Residential development permitted in the Rural designation shall be in accordance with the following policies:

(a) where a plan of subdivision is not considered necessary in accordance with section 14.2 of the (RCOP), a consent for a new lot which satisfies the Land Division Policies of the RCOP may be considered;

(b) residential development should not be located on lands which would involve major public expense in opening up and/or maintaining access routes, providing drainage or providing other public services and facilities, unless such major public services, access, or facilities are provided at the developer's expense;

(c) lots should be relatively large being not less than 4000 square metres (approximately 1.0 acre) and adequate for the installation of private services; and

(d) mobile homes are regulated in this zoning bylaw.

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(e) the policies of Section 2.2 and 14.3 of the RCOP shall apply with regards to development on private services.

(3) In determining the size, location and suitability of any proposed residential plan of subdivision or vacant lot plan of condominium, the following conditions are to be met:

(a) The number of lots in the subdivision or condominium should be consistent with historical trends and projected population growth in the municipality, and be appropriate to the level of infrastructure.

(b) Subdivisions and/or condominiums associated with resource based recreational uses (ski hill, golf course, race track, water frontage) are permitted but are not subject to subsection 5.3 of the RCOP.

(c) the design of the subdivision should provide for a range of lot sizes directly related to the site's topography, vegetation and soil and drainage characteristics;

(d) the maximum average density of lot sizes should be determined by a hydrogeological and nitrate impact assessment study and a terrain analysis;

(e) the development must have direct access to a public road that is maintained year-round and is improved to acceptable municipal standards. Lots created through a vacant lot plan of condominium may be accessed by a common elements private road.

For small plans of subdivision (less than 10 lots), an alternative form of access may be considered provided that the municipality is satisfied that:

a. legal access is provided, connecting all lots to an open, year round public road. Where possible, the access should be maintained in a single ownership in a method to the satisfaction of the municipality (i.e., a corporation or joint/common tenant agreement);

b. the road standards, the responsibility of the lot owner for maintenance, and other pertinent matters should be set out to the municipalities satisfaction in a development agreement between the municipality and the landowner(s);

c. the physical conditions and characteristics of the road allows the access of emergency vehicles;

d. the limited services available to the lot is identified in this Zoning By-law;

(f) in order to maintain the rural character of the landscape, the development should be located in areas having natural amenities such as varied topography, mature tree cover or scenic views and should blend in with the natural landscape so that the rural environment is left relatively undisturbed;

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(g) generally a plan of subdivision or condominium in a rural area should not be closer than 1 kilometre to a settlement area serviced with municipal infrastructure (water and/or sewer);

(h) the retention of mature tree cover is encouraged; and

(i) the servicing policies of the RCOP under Section 2.2 apply.

(4) New residential waterfront development generally within 300 metres (or approximately 1000 feet) of any waterbody should be subject to the following additional policies:

(a) In these residential developments, wherever possible, a portion of the waterfront shall be reserved for public recreational open space or water access to be used by nearby dwelling owners particularly when development is proceeding by way of a registered plan of subdivision

(b) Where existing residential development contains no public access to water, development should not be permitted in a second tier, unless nearby public access is deemed adequate.

(c) A developer should generally provide 6 metres (or approximately 20 feet) of water frontage for each new back lot being created without water frontage. All such areas must be of a type which will accommodate intensive outdoor recreation use. Council may require a larger access to water if the characteristics of the site warrant it.

(d) The standard waterfront residential lot should be not less than 4000 square metres (or approximately 1 acre) in area and have 45 metres (or approximately 150 feet) of water frontage and 45 metres (or approximately 150 feet) of road frontage.

(e) Development shall not negatively impact upon significant natural heritage features as identified in Section 2.2 of the RCOP, through activities such as dredging or filling, the removal of shoreline vegetation or the construction of buildings and structures. The policies of Section 2.2 of the RCOP pertaining to water setback and riparian setbacks and buffers shall be applied. The Municipality may use implementation tools such as site plan control, site specific zoning, development agreements, restrictive covenants or any combination thereof.

(f) In reviewing development proposals on waterbodies with substantial existing development, Council may require the proponent to undertake a study to determine the development capacity of the lake having regard to both environmental and recreational factors.

(g) Development shall satisfy the requirements of any relevant federal and provincial legislation, and regulations and policies made thereunder, e.g., the Canada Fisheries Act, the Federal Fish Habitat Policy, the Endangered Species Act, Public Lands Act, etc.

(h) For development to occur on existing water access only lots, adequate mainland parking and boat launching facilities must be available or provided as a condition of development to the satisfaction of the approval authority.

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(i) For development for islands in the Ottawa River, the developer must demonstrate that the flood plain policies of this plan can be adhered to. An elevations survey as well as hydrologic and hydraulic engineering studies prepared by a qualified engineer shall be required to be submitted with all development applications.

(5) Recreational or open space uses (such as golf courses, ski trails, whitewater rafting) or tourism-related development such as theme parks are permitted and may be expanded, provided the following criteria are met:

(a) the impact on other recreational uses along a water body are considered;

(b) the reasonably anticipated effects of development on rural and recreational characteristics and on natural features and functions are assessed in accordance with the terms of subsection 2.2 of the RCOP, where appropriate, and are acceptable;

(c) the aesthetic appearance of the proposed development is assessed and acceptable;

(d) the long-term suitability of the site for communal services or individual on-site systems to accommodate proposed uses is demonstrated through appropriate site servicing studies;

(e) the long-term public costs of infrastructure, public services and public service facilities are assessed and are acceptable;

(f) the land is rezoned to a separate classification in the Municipal zoning by-law;

(g) the rezoning application should be accompanied by a site plan depicting all buildings, structures, works and facilities, landscaping and buffering proposed for the subject lands, as well as all natural features, including all watercourses, slopes, etc.;

(h) the relevant policies of the General Policies for Development Section of the RCOP are adhered to;

(i) development shall not negatively impact upon significant natural heritage features, such as significant wildlife habitat, and fish and fish habitat, through activities such as dredging or filling, the removal of shoreline vegetation or the construction of buildings and structures;

(j) development shall satisfy the requirements of any relevant federal and provincial legislation, and regulations and policies made thereunder, e.g., the Canada Fisheries Act, the Federal Fish Habitat Policy, the Endangered Species Act, Public Lands Act, etc;

(k) the approval of a significant freehold residential development that is proposed in association with or as a part of a recreation and/or open space use and that requires full or communal services will require an amendment to this Plan; and

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(l) residential uses associated with a recreational use are permitted provided that the development is consistent with the policies under subsection 5 of this Zoning Bylaw

(6) Institutional, commercial (including highway-commercial) and industrial uses shall be permitted in the Rural designation. The following policies shall apply when considering the suitability of a site for commercial or industrial uses:

(a) new institutional, commercial and industrial uses or major expansions of existing ones shall occur by zoning by-law amendment as required by this zoning by-law and the requirements of subsection 2.2 of the RCOP shall be considered;

(b) institutional, commercial and industrial uses in the Rural designation are designated as Site Plan Control areas; and

(c) rural institutional, commercial or industrial uses shall be governed by the relevant General Development Policies of the RCOP.

(7) Development proposals on or adjacent to natural heritage features must demonstrate in accordance with the terms of subsection 2.2 of the RCOP that there will be no negative impacts on these features or on the ecological functions for which the area is known.

(8) Development proposals along the Ottawa River are subject to the flood plain policies of this Bylaw. Other lands not on these rivers may also be subject to flooding, and therefore subject to the Environmental Protection designation Section 8.0 of the RCOP.

(9) The Rural designation includes small communities consisting of single detached residences and small-scale commercial and institutional uses. Development in Head, Clara and Maria shall be in accordance with the following policies:

(a) New residential development shall occur in the form of single detached lots created by the severance process as infilling or minor extensions. Severances shall conform to the policies of Section 5, the relevant policies of Section 2, and the Land Division policies of the RCOP.

(b) Existing commercial, industrial and institutional uses such as schools, churches and cemeteries as well as recreation and open space uses are permitted. Expansions to such established uses are subject to the requirements of the HCM zoning by-law and the RCOP.

(c) New small scale commercial, industrial and institutional uses may be permitted through a site specific zoning by-law amendment, as required by the HCM zoning by-law, and the policies of Section 2.2 of the RCOP shall be considered.

(d) Development proposals within a rural community should encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes



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## 5.2 ZONES

Zone Symbol

Rural.....R

Constraint Areas Environmental Protection Constraint Area.....EP

## 5.3 INTERPRETATION OF ZONE BOUNDARIES

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

(a) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;

(b) A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;

(c) A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;

(d) A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Township lot lines shall follow such lot lines;

(e) Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clause (a), (b), and (c) above, and the distance from such street line or other feature is not indicated, and clause (d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;

(f) A boundary indicated as following the limits of the Municipality shall follow such limits;

(g) In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way; and

(h) In the event a zone boundary, setback or dimension cannot be determined by any of the above means, a scale bar may be used to calculate the affected dimension.

## 5.4 RURAL - R

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

### 5.4.1 Permitted Uses

- Accessory Use
- Bed and Breakfast
- Day Nursery (Private Home)
- Dwelling, Apartment-in-a House (Granny Suite)
- Farm Produce Outlet
- Home Based Business
- Kennel
- Sleep Cabin
- Studio Airfield Agricultural Use Ambulance Facility Antique Store Camp Campground
- Private Catering Establishment
- Cemetery
- Commercial Greenhouse
- Communications Facility
- Community centre
- Construction Yard or Contractor's Yard
- Continuum-of-Care Facility
- Convenience Store
- Day Nursery (licensed) Dwelling
- Duplex Dwelling
- Park Model Trailer Dwelling
- Seasonal Dwelling
- Semi-detached
- Equestrian Establishment
- Farmer's Market
- Forestry Uses Garage
- Municipal Garage
- Private Golf Course
- Group Home
- Helipad
- Heliport Institutional Use
- Log Hauling Operation
- Logging Camp
- Marine Facility
- Mobile Home
- Outdoor Recreation Use

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- Park
- Parking Area
- Place of Worship
- Place of Assembly
- Portable Asphalt/Concrete Plant
- Private Club
- Public Access Point
- Public Use
- Public Utility
- School
- Secondary Dwelling Unit
- Temporary Work Camp
- Veterinary Establishment
- Wayside Quarry
- Wayside Pit
- Workshop or Custom Workshop

### 5.4.2 Zone Requirements

#### Residential

- Minimum Lot Area per Dwelling Unit 1.0 ha [2.5 ac] (smaller lots may be approved)
- Minimum Lot Frontage 45 m [147.6 ft]
- Minimum Yard Requirements:
- Front Yard 7.5 m [24.6 ft]
- Rear Yard 7.5 m [24.6 ft]
- Side Yard 3 m [9.8 ft]
- Maximum Building Height Main Building 11 m [36 ft]
- Accessory Building 6 m [19.6 ft]
- Maximum Lot Coverage 35 %
- Maximum No. of Dwellings per Lot  
(including Secondary Use Dwelling): 2

### 5.4.3 Exception Zones

- (a) Exception One (E1) – (Part Lots 16 & 17, Concession 10, Head Township)

Notwithstanding any other provisions of this By-law to the contrary, for the lands zoned Exception One (E1) on Schedule A-1 of this By-law and described as Part of Lots 16 and 17, Concession 10, geographic Township of Head, the only permitted uses shall be the following:

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An existing campground comprising existing buildings, structures and trailer sites in their existing locations; OR

A limited service dwelling provided that only one such dwelling is permitted per lot.\* \*(By-Law #2007-11)\* \*

(b) Exception Two (E2) , for those lands described as part of Lot 9, Concession 3 in the geographic Township of Clara and delineated as Exception Two (E2) on Schedule “A” to this By-law

Notwithstanding Sections 3.9 and 3.16 to the contrary, the following provisions shall apply:

### *Permitted Uses*

Limited Service Seasonal Dwelling

### *Minimum Water Setback Provisions*

Buildings and Structures 30 metres (minimum) from high water mark

Earth Pit Privies 75 metres (minimum) from high water mark

The 30 metre water setback area along the shoreline of Wendigo Lake shall be left as a natural buffer area to protect the quality of the water in the lake.

### *Access*

The lands zoned E2 are exempt from the Lots to Front on Streets provision of Section 3.9 of the Zoning By-law #2004-12, Page 28

### *Prohibited Uses*

The installation and utilization of a private sewage disposal system is prohibited, except an earth pit privy and/or a composting toilet system and/or a grey water system consisting of a perforated, non-corrosive container placed beneath the overburden in a bed of gravel on both the severed and retained parcels.

All other provisions of this By-law shall apply

### **5.4.5 OTTAWA RIVER FLOODPLAIN (By-Law #2007-15)**

a) For lands affected by the floodplain of the Ottawa River between the Rolph/Head Township boundary and including Bissett Creek, the following provisions shall apply:

i) No buildings or structures shall be constructed or erected, including additions or enlargements to existing buildings within the floodplain of the Ottawa River unless flood-proofed to the floodplain design elevation of 154.7 metres (507.5 feet)G.S.C. (Geographic

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Survey of Canada). An elevation survey prepared by an Ontario Land Surveyor shall accompany all applications for building permits. All flood-proofing methods shall be consistent with accepted engineering techniques and resource management practices;

ii) No buildings or structures, with the exception of boat docking and launching facilities, shall be permitted on lands below the floodway elevation of 154 metres (505 feet) (G.S.C.)

b) For lands affected by the floodplain of the Ottawa River above Bissett Creek and up to the Clara Township/Nipissing District boundary the following provisions shall apply:

- i) The floodplain may be determined by a one-in-one hundred year flood elevation study;
- ii) No buildings or structures shall be constructed or erected within the floodplain;
- iii) Notwithstanding subsection 5.4.5 (b)

existing buildings and structures within the floodplain may be expanded if the building permit is accompanied by an elevation survey and all floodproofing methods are consistent with accepted engineering techniques and resource management practices;

iv) Notwithstanding subsection 5.4.5 (b)

boat docking and launching facilities are permitted.\*

### 5.4.6 WATER TAKING COMMERCIAL (By-Law #2007-15)

No building, structure, or lot may be used for taking water for the purpose of commercial sale or distribution.

### 5.4.7 LOTS TO FRONT ON STREETS (By-Law #2007-15)

No person shall erect or use any building, or structure on a lot unless the lot has direct access to an improved street being a Provincial Highway or Township Road.

- ***Limited Service Dwelling***

Notwithstanding section 5.4.7, a limited service dwelling is permitted on a lot that has direct access to a private road which the subject lot and use are legally entitled to use for access.

- ***Limited Service Seasonal Dwelling***

Notwithstanding section 5.4.7, a limited service seasonal dwelling is permitted on a lot that fronts on a minimum maintenance Township Road.

- **Hunting and Fishing Camp**

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A Hunting and/or Fishing camp shall not be required to meet the provisions of section 5.4.7

### **6.0 Mineral Aggregate**

6.1 Mineral aggregates consist of unconsolidated and consolidated materials such as sand, gravel and limestone, which provide the major raw materials for road building and construction. The policies of this Section are intended to firstly, ensure that major aggregate deposits remain available for existing and future use. Secondly, they are intended to minimize impacts on adjacent uses and the natural environment from extractive operations. Renfrew County is designated under the Ontario Aggregate Resources Act. The Act controls and licenses all aggregate operations in these areas. It requires progressive rehabilitation and final rehabilitation of all licensed pits and quarries.

### **6.2 Objectives**

- (1) To protect known, significant deposits of aggregates, including existing pits and quarries, for future extraction.
- (2) To identify lands within HCM which are licensed for aggregate extraction and have potential for aggregate resource extraction.
- (3) To prevent any change in land use that could conflict with legally existing pits and quarries or inhibit the future extraction of the aggregate resources.
- (4) To ensure extraction is undertaken in a manner which minimizes social, economic and environmental impacts.

### **6.3 Policies**

- (1) All Licensed pits and quarries and designated Mineral Aggregate resources are identified on Schedule "A" of the RCOP. Those lands not currently located within the designations identified on Schedule "A" may be designated by an amendment to the RCOP. Mineral aggregate resources as identified on RCOP Land Use Plan Schedule "B" – Map 3 shall be used as an information layer in the review of planning applications in meeting the policies of Section 7 of the RCOP. For greater clarity, adjacent land influence areas are not identified on Schedule B, and the policies of Section 7.3 of the RCOP shall be used in conjunction with the land-use Schedules in the review of planning applications. It is the intent of the Plan that these resources are protected by directing development away from these areas.
- (2) The Mineral Aggregate designation on the Land Use Schedule(s) of the RCOP shall mean that the predominant use of land will be for pits and quarries. Existing mineral aggregate operations shall be permitted without the need for official plan amendment, rezoning or development permit under the Planning Act.

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Other uses which do not preclude the future use of these lands for mineral aggregate extraction purposes such as forestry, farming activities not involving the construction of buildings or structures, conservation and outdoor recreation will also be permitted.

Crushing, screening, blending, washing, stockpiling and aggregate recycling shall be permitted as an accessory use to a licensed aggregate extraction operation. Asphalt and concrete plants that are portable shall be permitted in the County and only in accordance with the policies in subsection 2.2 of the RCOP. Permanent asphalt batching and concrete batching plants are considered heavy industrial uses which potentially have negative impacts to the air, ground, and surface and ground water.

Permanent asphalt and concrete batching plants shall require an amendment to the HCM zoning by-law to be permitted. These uses shall be adequately buffered to protect adjacent land uses, and shall meet any applicable standards and guidelines of the Ministry of Environment and Climate Change, and the Ministry of Natural Resources and Forestry.

A permanent asphalt batching and concrete batching plant shall not be permitted unless:

- (a) There is no adverse impact on groundwater and surface water quality and quantity;
- (b) There is no adverse noise, odour, or dust impacts on nearby sensitive land uses and natural heritage features;
- (c) The location and operation of such plant is addressed on a site plan.
- (3) County Council will consider amending the RCOP to a Mineral Aggregate designation to permit extraction in areas not designated Mineral Aggregate but which are determined to be suitable for aggregate extraction.
- (4) Existing extractive operations shall be recognized in the implementing HCM Zoning By-law. Areas designated Mineral Aggregate which are not currently used for pits and quarries or associated manufacturing uses shall be placed in a non-development type of zone in the implementing HCM zoning by-law.

New sensitive uses should be prohibited in the Mineral Aggregate Resource designation.

The expansion or opening of a new commercial pit or quarry will require an amendment to the HCM zoning by-law with full public notice and opportunities for appeal.

Wayside pits and wayside quarries are exempt from this provision and are governed by the provisions included in the General Policies Section of the RCOP.

Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations.

In considering an amendment to HCM zoning by-law, the following matters shall be examined:

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- (a) degree of exposure of the operation to the public and the need for and effectiveness of any mitigating measures (berms, screening, etc.);
- (b) the haulage routes and the resulting impact on the transportation system (traffic density, etc.);
- (c) the progressive rehabilitation and final rehabilitation plans, and the suitability of these plans having regard to the character of the surrounding lands:
  - i. where extractive operations are proposed on prime agricultural lands (Classes 1, 2 and 3 soils) which are located within the larger Agriculture designation, Council shall require rehabilitation of the site to substantially restore the same acreage and average soil capability for agriculture; and
  - ii. on prime agricultural lands, complete agricultural rehabilitation is not required if:
    - 1. there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
    - 2. other alternatives have been considered by the applicant and found unsuitable. Other alternatives include resources in areas of Classes 4 to 7 agricultural lands, resources on lands committed to future urban uses, and resources on prime agricultural lands where rehabilitation to agriculture is possible;
    - 3. the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
    - 4. in those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized.
- (d) the area in which the proposed operation is located should be within an area of known aggregate resources, of which there exists some estimate of the geographic distribution and potential of the deposits.
- (e) the water table, existing and proposed drainage facilities, and setbacks from watercourses;
- (f) effects on adjacent land uses, nearby communities, and natural heritage features;
- (g) hydrology, wildlife or such studies as may be required due to special concerns related to a specific site; and
- (h) any other matters which Council deems advisable.
- (5) Within the Mineral Aggregate designation shown on Schedule "A" and mineral aggregate resource areas identified on Schedule B – Map 3 of the RCOP, not all of the aggregate deposits have equal potential for commercial extraction.



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On those lands located within the designations shown on Schedule “A” and mineral aggregate resource areas identified on Schedule B – Map 3, there may be areas where the mineral aggregate deposit may not be of sufficient quantity or quality; particularly in the peripheral areas of the designations.

Consideration to permit uses from an abutting designation in the peripheral areas of the Aggregate designation may be reviewed through an amendment to this plan and/or the local zoning by-law.

Prior to the approval of any amendment to this plan and/or the local zoning by-law, the proponent will be required to prepare a study indicating the minor nature of the adjustment, detailing the deposit’s potential for extraction and demonstrating the compatibility and need for the alternative land use.

Proposed sensitive land uses within an aggregate reserve area as identified on Schedule B – Map 3 of the RCOP or in proximity to a reserve area or in proximity to the Mineral Aggregate designation (refer to influence areas in the RCOP Section 7.3), may be permitted without amendment to this plan, but only where it has been demonstrated through a study that the aggregate reserve is not suitable for extraction or there will be no impacts on the ability to extract the resource in accordance with the Aggregate Resources Act.

The study must be prepared by a qualified individual(s). Qualified means an individual or company with professional accreditation or specialized training in the specific discipline required, and/or measurable expertise in the relevant field of study.

More specifically and without limiting the generality of the foregoing, the required study will address the following matters:

- (a) evidence indicating that the extraction of aggregate is unfeasible due to quality, quantity or other development constraints;
- (b) the necessity of the land use change in comparison to the necessity of the mineral aggregate resource;
- (c) the reason for the choice of location and consideration given to alternate locations on non-aggregate lands;
- (d) the amount of land required for the proposed use and the possibility of retaining as much of the mineral aggregate potential as possible;
- (e) the consideration given to the option of sequential land use in which the mineral aggregate is removed prior to development of land for the proposed use;

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- (f) the impact that the proposed use may have on any existing pits and quarries in the vicinity and on future aggregate extraction in the surrounding area;
- (g) the impact on adjacent land uses;
- (h) consideration of the protection of a long-term supply in the local area and the County; and
- (i) issues of public health, public safety and environmental impact are addressed.

In support of a Comprehensive Zoning By-law, a local Council may undertake a study of the mineral aggregate resources within their jurisdiction.

This study will take into account the regional significance of the resources and the study criteria of this section listed above. Where the study has been completed to the satisfaction of the approval authority, the lands may be zoned in accordance with the recommendations of the study and a corresponding amendment to the RCOP.

- (6) The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Mineral Aggregate designations and mineral aggregate resource areas identified on Schedule B – Map 3 of the RCOP and to protect existing pits and quarries from the encroachment of other incompatible land uses.

The impact from pits/quarries is considered within an influence area of 500 metres for a quarry and 300 metres for a pit.

This area is considered to have the most impact on sensitive lands uses from the aggregate operation.

Studies (i.e., noise, hydrology) are required to assess the impact if development occurs within this influence area. This influence area must be applied reciprocally to sensitive land uses encroaching on an existing extraction operation or lands designated for future extraction on Schedule A or identified as a mineral resource area on Schedule B – Map 3 of the RCOP.

In accordance with this concept, incompatible land uses in areas surrounding Mineral Aggregate areas shall be discouraged by careful review of any severance application, rezoning application or other Resources and by including separation distances in the implementing bylaw. The potential for existence of an area of adverse environmental influence associated with a pit or quarry is recognized.

The municipality shall request that the proponent provide for studies to demonstrate whether distance separation between a pit or quarry and sensitive land use is necessary, and establish dimensions of any needed separation area; and provide for implementation of the study results in consultation with provincial ministries.

A study must be prepared by a qualified individual(s). Qualified means an individual or company with professional accreditation or specialized training in the specific discipline required, and/or quantifiable expertise in the relevant field of study.

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It is also recognized that land use separations should be applied reciprocally to new sensitive land uses encroaching upon an existing extraction operation or designated mineral aggregate reserve. In the absence of site-specific studies, the minimum separation distance shall be 500 m for a quarry and 300 m for a pit.

- (7) All pit and quarry uses must satisfy the approval and regulatory requirements of the Ministry of the Environment and Climate Change with respect to pumping and de-watering, water supply, wastewater, solid and liquid waste disposal and all emissions to the atmosphere including noise and vibration.
- (8) Consents may be granted for mineral aggregate purposes in compliance with the policies of Section 7 and the Land Division Policies of the RCOP and with any other relevant policies of the RCOP.
- (9) Mineral aggregate resources information is updated from time to time by the Province and Schedules may not contain the most current information. The Aggregate Resources Information Paper (ARIP) is the official provincial source of mineral aggregate resources information. The County shall ensure that updated sand and gravel and bedrock resources are identified and incorporated into the RCOP as the information becomes available. Identification of mineral aggregate resources may be further refined through consultation with individuals qualified to determine local significance, feasibility and/or quality of aggregate deposits.

### 7.0 AT CAPACITY LAKES

#### 7.1 Introduction

All lakes have a finite capacity to assimilate phosphorus without impairing water quality. When this capacity is reached or exceeded, water quality conditions can degrade. Water quality impacts can take the form of excessive algal and plant growth, which can appear as greener or more turbid water, and in extreme conditions result in an algal bloom. This in turn can result in depletion of dissolved oxygen and loss of cold water fish habitat.

In accordance with the Ministry of the Environment, Conservation and Parks' Lakeshore Capacity Assessment Handbook, certain lakes are designated "at capacity" or "near capacity" based on their phosphorus and dissolved oxygen levels.

Recreational fishing and shoreline development is an important component of economic development in the Municipality of Head Clara and Maria. The water quality of all lakes should be protected and managed wisely to maintain this resource for future generations.

Cold-water lake trout lakes are especially important because they provide very unique physical conditions (deep cold waters, low nutrients) that support a prized top predator species – Lake Trout.

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Cold-water lake trout lakes are only found in a very small percentage of lakes in the province and are a preferred species among many anglers.

These lakes are particularly vulnerable to the impacts of human activities and increased phosphorus inputs. The policies of this Section are intended to protect the water quality conditions of at capacity lakes in HCM, to ensure the sustainability of important fish habitat.

### 7.2 Objectives

- (1) To delineate land located in the vicinity of lakes identified by the Ministry of Environment and Climate Change and the Ministry of Natural Resources and Forestry as at capacity or moderately at capacity to further nutrient inputs as at capacity lakes in accordance with the Lakeshore Capacity Assessment Handbook.
- (2) To protect lakes determined to be at capacity determined by the local municipality.
- (3) To consider the impact on the above-noted lakes as a primary guideline in evaluating development proposals along their respective shorelines.
- (4) To establish criteria for development of all lands abutting at capacity and near capacity lakes.

### 7.3 Policies

- (1) Lake capacity refers to the amount of development a lake can sustain based on phosphorus loadings and water quality goals.

In accordance with the Ministry of Environment Conservation and Parks' Lakeshore Capacity Assessment Handbook, lake trout lakes in HCM have been designated as "at-capacity" or "near capacity".

In Ontario, lakes are designated for lake trout management by the Ministry of Natural Resources and Forestry (MNRF) and further classified by MECP as being "at capacity" or "near capacity" for development based on water quality sampling program.

Municipalities may also designate non lake trout lakes in the RCOP according to site specific and local land use management objectives.

**At Capacity** Lakes in HCM are:

- Big Gibson, Maria Township
- McSourley Lake, Head Township
- Waterloo Lake, Clara Township
- Wendigo Lake, Clara Township
- Valiant Lake, Maria Township

- (2) The following provisions shall apply to all lands abutting (within 300 metres) an At Capacity lake:

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- (a) Development, and/or site alteration including Lot creation shall not be permitted within 300 metres of any **at capacity lake** unless:
  - i. It is required to separate existing habitable dwellings, each of which contains an existing sewage system and is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake; or
  - ii. All new tile fields are setback at least 300 metres from the shoreline of lakes and it can be demonstrated that there will be no impacts on lake water quality from either the septic system or other land uses (dwelling, accessory buildings, site alteration).

Development must be supported by a report prepared by a qualified professional that demonstrates the lake and the related hydrologic functions will be protected, improved or restored. Mitigation measures and/or alternative development approaches may be required. Site plan control may be utilized by HCM to implement any recommended mitigation measures; or

- iii. A site-specific soils investigation prepared by a qualified professional demonstrates that phosphorus can be retained in deep, native, acidic soils on-site. A report, prepared by a qualified professional, is required to demonstrate that there will be no negative impact on the lake water quality as a result of any development. Site plan control may be utilized by HCM to implement any recommended mitigation measures.
  - iv. Where the above criteria can be met, the minimum lot area for new lots shall be 1 hectare (2.47 acres). This minimum lot area may be reduced for lot creation only where it is required to separate existing habitable dwellings, each of which contains an existing sewage system and is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake.
- (b) No new tent or trailer parks or tourist establishments or enlargements of an existing tent or trailer park or tourist establishment with lakeshore frontage shall be permitted.
  - (c) No further erection of multiple dwellings for rent or lease shall be permitted on an existing developed parcel of land with lakeshore frontage.
  - (d) Development on existing lots with lakeshore frontage shall only be permitted under the following conditions:
    - i. No more than one single detached dwelling unit shall be permitted on a single vacant lot.
    - ii. All buildings and structures and associated private waste disposal systems shall have a minimum setback of 30 metres from the high water mark of the lake, or in the case of existing lots, where this setback cannot be met, the setback shall be as remote from the high water mark as the lot

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- will permit to the satisfaction of HCM and the applicable approval authority for the private waste disposal system.
- iii. All new permits issued by the applicable approval authority for private waste disposal systems which involve construction of tile beds will be conditional upon the use of a fill material known to have a good phosphorus retention capability.
  - iv. The property between the shoreline of the lake and the dwelling or private waste disposal system will be retained where possible in its natural state to serve as a buffer which will assist in minimizing the land-surface transport of nutrient laden silt to the lake. The retention of the natural soil mantle and natural vegetation within 30 metres of the shoreline of the lake will be encouraged.
  - v. Dredging and/or filling activities involving the littoral zone shall be discouraged in order to avoid the re-suspension of nutrients from the lakes sediments and the destruction of fish habitat. Any such dredging or filling shall require the prior approval of HCM and the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans.
- (3) There are currently **No** lakes determined to be **Near Capacity** in HCM.
- (4) Local municipalities may designate a lake to be “at capacity” by amendment to this Plan based on a lake capacity study in accordance with the MECP Lakeshore Capacity Handbook. The amendment may:
- (a) identify lakes that have reached development capacity with respect to one or more of boating/recreational use, absorption of phosphorus, or lake trout habitat;
  - (b) restrict development within 300 metres of the shoreline as determined to be appropriate by the local municipality;
  - (c) identify specific studies to be submitted with development applications;
  - (d) recommend mitigation measures such as open space buffers, vegetated areas, and location and type of septic system;
  - (e) identify the lakeshore as an area subject to Site Plan Control.
- (5) The Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry will assess the capacity of the lakes in Renfrew County. When the Ministries identify changes in the sensitivity of lakes, the list of at capacity lakes shall change. These changes shall be shown on the Schedules to the RCOP by way of an amendment to the Plan.

### 8.0 MINING RESOURCES

#### 8.1 Introduction

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One potential major mining sector employer is situated in the geographic area of Bisset Creek Road. The Mining Resource policies are intended to recognize the importance of mining resources within HCM while ensuring that appropriate regulations and measures are applied to minimize disturbance to the environment and provide for progressive rehabilitation programs for new or expanded mining and mining related activities.

### 8.2 Objectives

- (1) To identify lands within HCM which have potential for mineral exploration and mining resource extraction.
- (2) To encourage the exploration and development of mining operations in order to assist employment in the mining industry.
- (3) To ensure that appropriate regulations are adopted to minimize disturbance to the environment.
- (4) To ensure the appropriate regulations are adopted to provide progressive rehabilitation programs.

### 8.3 Policies

- (1) The Mining Resource designation on the Land Use Schedule(s) of the RCOP shall mean that the predominant use of land will be for mining and mining related uses including above ground and underground work, pits, quarries, above ground mining structures, tailing sites, slag dumping sites, ore processing plants, etc., and mining dependent industries. Other uses which do not preclude future mining resource extraction such as forestry, outdoor recreation, wildlife management, non-intensive farming, etc. will also be permitted.
- (2) County Council will consider amending the RCOP to permit mining and mining related uses in areas not designated Mining Resource where such lands are determined to be suitable for mining and mining related purposes.
- (3) In considering an amendment to the implementing zoning by-law to permit a mining or mining related use HCM shall examine, among other considerations, the following matters:
  - (a) the impact on the environment;
  - (b) direct and indirect impacts on the utilities and services provided by the local municipality;
  - (c) the aesthetic appearance of the proposed development;
  - (d) the impact on surrounding uses;

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- (e) compliance with the requirements of the Ministry of Northern Development and Mines and the Ministry of Environment and Climate Change; and
- (f) the benefit of the mining or mining related use to HCM. HCM may require the proponent to enter into a site plan agreement with the municipality pursuant to Section 41 of the Planning Act prior to passing the zoning by-law amendment.
- (4) HCM may request the proponent to provide such information as is necessary to determine compliance with the RCOP, including an environmental impact assessment, rehabilitation plans and landscaping plans.

If the consent of the Ministry of Environment and Climate Change has been received for such a project, then the proponent shall not be required to provide an environmental impact assessment, nor any landscaping or rehabilitation plans if such were considered by the Ministry, and providing HCM has an opportunity to examine such reports.

- (5) Past producing mining operations or active mining operations shall be subject to the provisions of the Mining Act with respect to rehabilitation and / or closure.
- (6) The concept of an influence area is recognized as a means of protecting against incompatible land uses. An area of influence will be used to protect existing land uses located in the vicinity of a proposed mining operation from the impacts of a land use conflict, and reciprocally to protect the Mine Resource designation and existing mine operations from the impact of incompatible uses.

The following policies will apply:

- (a) The area of influence will generally be 1000 metres (approximately 3,280 feet) in width around a mine operation, or proposed operation, located within a Mine Resource designation;
- (b) The area of influence may be varied in width subject to local circumstances and consultation with the Ministry of Northern Development and Mines and the Ministry of Environment and Climate Change;
- (c) In accordance with this area of influence concept, incompatible land uses in areas surrounding Mining Resource designations and mine operations shall be discouraged by the careful review of severance applications, rezoning applications, plans of subdivision, and/or amendments to the RCOP, and by including separation distances in any implementing by-law; and
- (d) Any new Mining Resource designation or mine operation shall undertake an impact analysis within the area of influence around its proposed site in order to identify any land use conflicts, to propose mitigating measures and to develop an operating plan for minimizing its operational impacts on existing land uses.



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- (7) Development on, abutting or adjacent to lands affected by a mine hazard or former mineral mining operation may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

Where development is proposed within 1000 metres of a mine hazard, as identified by the Ministry of Northern Development and Mine's (MNDM) Abandoned Mine Inventory System (AMIS) mapping and as identified on Schedule "B" of the RCOP, the Regional Land Use Geologist responsible for the area or the Mine Rehabilitation Section of the MNDM shall be contacted to determine the scope and terms of reference of any technical studies that may be required to address the potential mine hazard.

The applicant shall be responsible for ensuring that any hazards are mitigated to be consistent with the Mine Rehabilitation Code of Ontario such that the hazard is removed and that the property is safe for the proposed development.

All required studies shall be undertaken by an appropriately qualified person(s).

- (8) Areas that have mineral potential are identified on Schedule "B" of the RCOP. The identified areas are meant to act as a flag to contact MNDM for further information and are not meant to be an indication that no development is to be permitted.

If, after consultation with MNDM, the mineral resource is determined to be provincially significant and should be protected, development and activities which would preclude or hinder the establishment of new operations or access to the resource shall only be permitted if:

- (a) resource use would not be feasible; or
- (b) the proposed land use or development serves a greater long-term public interest; and
- (c) issues of public health, safety and environmental impact are addressed

### **9.0 LAND DIVISION POLICIES**

#### **9.1 Intent**

There are two methods of subdividing land in Ontario, the consent process and the subdivision process.

The subdivision process provides a more rigorous review of complex development issues on a comprehensive basis.

Consents should only be approved when the more rigorous review of the subdivision process is not necessary.

#### **9.2 General Policies**

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- (1) Prior to considering the merits of a consent, the approval authority shall be satisfied that a registered plan of subdivision is not necessary for proper and orderly development.

**A registered plan of subdivision** will be the method of dividing land where,

- (a) A significant number of new lots would be or there is a high potential to create and market a significant number of new lots;
  - (b) New public roads other than minor public road extensions are proposed;
  - (c) Extensive investigations regarding such matters as hydrogeology, surface drainage or environmental impact will be required; or
  - (d) The future development potential of the retained lands or the adjoining lands would be adversely affected by the proposed consent(s).
- (2) The approval authority (Renfrew County Planning) shall be satisfied that a consent is in the public interest and that it is not premature in terms of development patterns in the area.
  - (3) Where a development proposal abuts an existing Provincial Highway, a County Road or a Local Municipal Road, the lands that are required to provide for the widening of the roadway may be acquired as part of either the consent process or the subdivision process.

### 9.3 Consent Policies

- (1) A consent for a new lot or lots, including any retained lot(s) or parcel(s), shall conform to the land use designations shown on the Land Use Schedule(s) and policies of the RCOP, and the HCM zoning by-law.
- (2) Consents will be granted only when all parcels involved, including all retained parcels, abut and have direct access to an existing public road maintained on a year-round basis and of a standard of construction acceptable to the relevant road authority, except as set out below for waterfront lots, service roads and bush lots.
- (3) The maximum number of new lots permitted to be created for residential purposes from an original holding shall be three (3) lots. A holding is defined as a parcel of land including all abutting parcels of land under the same ownership which are subject to subdivision control or part lot control under the Planning Act. An original holding means a holding as of June 1, 1971.
- (4) In addition to the three lots normally considered, two (2) additional consents for residential purposes may be granted, provided the following criteria are considered:
  - (a) they do not create a conflict with abutting uses;
  - (b) they do not lead to demands for increased municipal services;

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- (c) the creation of additional lots will complete the development potential of the holding by the severance process or constitutes an infilling situation. Infilling is defined as the creation of a lot between two existing dwellings which are separated by not more than 100 metres (325 feet) or between an existing dwelling and a street which are separated by not more than 100 metres (325 feet);
- (d) ribbon development is not a concern;
- (e) the first three lots permitted by Subsection 9.3 (3) have been developed; and
- (f) that the lots can be adequately serviced with potable water and a private sewage disposal system and are consistent with the servicing policies of Section 2.2 of the RCOP.
- (5) Where consents have been granted in accordance with Subsections 9.3 (4) above and while creating more than five (5) lots per holding is generally discouraged, additional consents may be considered, provided the approval authority (Renfrew County Planning) and HCM and/or the County are satisfied that a plan of subdivision is not required for the orderly development of the lands and the applicant submits a study addressing the following to the satisfaction of HCM and/or the County:
  - (a) justification of the proposed water supply and sewage disposal services consistent with the servicing policies of Section 2.2 of the RCOP
  - (b) why a plan of subdivision is not necessary for the proper and orderly development of the lands;
  - (c) the need for a hydrogeology study (including a nitrate impact assessment) to ensure that the quality and quantity of potable water meets provincial standards and is consistent with the servicing policies of Section 2.2 of the RCOP; (**Note that a hydrogeology study is not required for lots of 1 ha in area or greater**)
  - (d) the need for a lot grading and drainage plan; and
  - (e) the impact of the proposed development on the financial resources of the municipality.
- (6) The severance of a full township lot or remaining portion thereof from other full township lots will not be affected by subsections 9.3(3), (4) or (5).
- (7) The minimum lot size and lot frontage is established and regulated by the RCOP.

Unless physical conditions dictate otherwise, the depth of a lot should be no more than four (4) times the frontage of the lot.

The size and configuration of any lot should be appropriate for its intended use and shall be planned to prevent or limit impacts on a natural resource, blend with adjacent development,

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- maximize the efficient use of infrastructure and services, and promote energy and water conservation.
- (8) Consents will not be permitted in locations which result in the creation of landlocked parcels.
- (9) Consents will not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades, or in close proximity to road intersections.
- (10) The Ministry of Transportation has plans to expand highway 17 and will be protecting the designated lands as a fully controlled-access four lane freeway. No active use or construction will be permitted within the designation. Consents for parcels in proximity to a provincial highway/designation will not be granted unless MTO approval and permits are obtained.
- (11) Where municipal services (water and sewer) are not provided, consents for the creation of new lots shall only be granted when it has been established that soil and drainage conditions of the area are suitable to permit the proper siting of buildings, to obtain a sufficient potable water supply and to permit the installation of an adequate means of sewage disposal on the lot with no negative impacts.
- (a) The application for consent should be supported with information or evidence to verify suitability of the lot for sewage disposal;
- (b) The application for consent should be supported with information to verify suitability of the water supply;
- (c) A scoped hydrogeological evaluation prepared by a qualified professional may be required in accordance with subsection 2.2 of the RCOP to assess the potential risk to groundwater and ensure site suitability for the long-term provision of individual on-site water and sewage services. ***(note that a hydrogeological evaluation is not required for new lots of 1 ha or greater in area)***. The evaluation is to be based on a well sample and/or MECP well records. An on-site drilled well may be required when determined to be necessary to ensure adequate quantity and quality of water. The applicable septic approval authority shall be requested to comment on applications for new lots not serviced by municipal water and sewers.
- (d) The MECP Ontario Drinking Water Quality Standards (ODWQS) establishes the provincial standards for the quality of drinking water for both health and aesthetic values. In certain situations water treatment may be required in order for the source water to meet the provincial drinking standards. Only whole home treatment systems (as opposed to single-tap) are permitted. Reverse Osmosis (RO) units will not be accepted as a suitable individual private water treatment system.

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- (12) Consents may be granted for boundary adjustments, correction of title, leases, easements, rights-of-way, and other purposes which do not create separate lots. Such consents will be evaluated on their own merit, except as further set out below.
- (13) Consents may be permitted for mortgage purposes (i.e. part of a holding being mortgaged or discharged from a mortgage). Such consents shall be evaluated as if a new lot were to be created.
- (14) Consents may be granted for lot additions provided the lot to be added to, together with the lot addition, or any retained parcels of land, are not undersized or irregularly shaped for the purpose for which they are to be used.

Where it is not possible to create a standard size lot resulting from a lot addition, the approval authority may grant consent provided the retained land is not rendered undersized. Consents for lot additions shall not be considered new lots in terms of determining the number of lots previously severed from an original holding.

Notwithstanding the above policy, there may be limited circumstances where lot additions/boundary adjustments are required and it is not possible for the retained lands to not be undersized.

Lot additions may be considered to remedy encroachments or right-of-way issues that render the retained lands undersized if there is an overall improvement to an existing situation.

- (15) In cases where a rezoning is required, this HCM zoning by-law will be in force prior to the finalization of the consent.
- (16) Consents for development in the Rural designation shall satisfy the criteria outlined in Section 5 of the RCOP.
- (17) A private road may be considered for the provision of access to new residential development abutting a high water mark or shore road allowance subject to the approval authority's (Renfrew County Planning) consideration of the merits of the particular situation and the following criteria:
  - (a) the right-of-way is legally obtained and secured, connecting the lot to an open, year round public road. Where possible, the right-of way should be maintained in a single ownership. Specifications regarding the width of the right-of-way can be found in the HCM Policy PW-01 (Road Construction Minimum Standards);
  - (b) the road standards, the responsibility of the lot owner for maintenance, and other pertinent matters should be set out to HCM's satisfaction in a development agreement between HCM and the landowner(s);

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- (c) the physical conditions and characteristics of the existing or proposed right-of-way allow the access of emergency vehicles;
  - (d) the limited services available to the lot is identified in HCM Policy PW-02 (Level of Service Policy).
  - (e) The right-of-way is to be surveyed and identified as a separate part on a reference plan. In accordance with the Public Transportation and Highway Improvement Act RSO 1990 (PTHIA) and the Ministry of Transportation's Access Policy, new lot creation shall not be permitted on any existing private road which connects to a Provincial Highway as the primary public road access. The Municipality and applicants shall consult with MTO for any proposed lot creation on a private road that accesses a Provincial Highway.
- (18) Where a proposed lot would front on an open public road but direct access is not possible due to traffic safety considerations or physical obstructions, the approval authority may accept the use of a private service road across the front of the proposed lot provided,
- (a) the local municipality and the applicable road authority are agreeable;
  - (b) the lot cannot be located so as to achieve direct access;
  - (c) the right-of-way is legally obtained and secured;
  - (d) the road standards, the responsibility of the lot owner for maintenance, and other pertinent matters, are set out to the HCM's satisfaction in a development agreement between HCM and the landowner(s); and
  - (e) the physical conditions and characteristics of the proposed service road will allow the access of emergency vehicles.
- (19) Consent may be granted for bush lots, but excluding residential uses, in locations which do not have frontage or direct access to a public road provided,
- (a) the proposed bush lot and remaining parcel each shall have normally a minimum lot area of 20 hectares and shall abut an existing public road allowance, crown land road, or private road;
  - (b) the approval authority is satisfied that the proposed lot and access are appropriate for the intended use;
  - (c) the non-development aspect of the lot (in accordance with the recommendations of HCM) is identified in an implementing zoning by-law; and
  - (d) a note is placed on the decision stating that consent does not imply any permission to improve an unopened road allowance or any intention or obligation of the municipality to improve an unopened road allowance.

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(20) Existing registered plans of subdivision on private services (well and septic) shall not be further subdivided under the consent process.

(21) No more than two lots in total (i.e., including severed and retained) shall result from any one severance application for a new lot.

Where a planned legal right-of-way is not part of the subject lands (i.e., severed and retained parcels), a separate application for consent shall be required.

If a landowner is applying for the creation of two new lots and a retained, two applications are required.

(22) A consent application to re-establish two parcels of land that have inadvertently merged either prior to or after the passing of this Zoning Bylaw, may be considered provided that it generally meets the intent and policies of the RCOP.

The consent will not be considered toward determining the number of consents permitted from a holding.

### **9.4 Plans of Subdivision/Condominiums**

The County of Renfrew processes and approves plans of subdivision and plans of condominium. HCM must, however, approve of each plan of subdivision through recommendations to the County, passage of any necessary local Zoning By-law amendment, and by entering into a subdivision agreement.

Where it has been deemed that a plan of subdivision or a plan of condominium is required for the orderly development of lands, the following policies shall be considered:

- (1) A proposed plan of subdivision or a plan of condominium shall conform to the designations shown on the Land Use Schedule(s) and the policies of the RCOP and the provisions of the HCM zoning by-law.
- (2) Any predesignated area of national, provincial, or local cultural heritage value shall be protected from any possible negative impacts resulting from subdivision development.
- (3) A proposed plan of subdivision or a plan of condominium should be designed to ensure that, where appropriate, it is supportive of active transportation strategies such as the provision of convenient and direct access to adjacent uses through integrated pedestrian sidewalks, walkways, trails and cycling paths.
- (4) A plan of subdivision or a plan of condominium shall not be recommended for approval unless all lands intended to be used as building sites can be used safely for building purposes without danger from flood or other inundation or other adverse conditions so as to be a danger to the health and safety of the present and future ratepayers of HCM.

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- (5) In determining which areas are suitable for development, several reports, either singly or together, may be required by Renfrew County Planning or a reviewing agency during the review of the plan of subdivision or plan of condominium and prior to draft approval or approval of any required Renfrew County Official Plan amendment.

The reports may include a hydrogeological (including a nitrate impact assessment) and terrain analysis report, a servicing options report, environmental impact study, preliminary storm-water management report, geotechnical study, lake capacity study, archaeology study, traffic impact report, planning justification report, heritage impact assessment, and any other study required by the applicable policies of this plan or requested by the approval authority.

The approval authority reviews and may consult with other agencies on the proposed plans of subdivision or condominium to ensure that they have due regard for the Provincial Policy Statement. Where the proposal is for on-site services, Renfrew County Planning shall require a hydrogeological and nitrate impact assessment report and shall be satisfied that there is a sufficient supply of potable water, and that the site is suitable for on-site sewage disposal.

The study is to be completed in accordance with MECP D-5-4 and D-5-5 guidelines and is subject to peer review. The MECP Ontario Drinking Water Standards (ODWS) establishes the provincial standards for the quality of drinking water for both health and aesthetic values. In certain situations water treatment is required in order for the source water to meet the provincial drinking standards.

Only whole home treatment systems (as opposed to single-tap) are permitted. Reverse Osmosis (RO) units will not be accepted as a suitable individual private water treatment system.

- (6) Roads within a proposed plan of subdivision will be assumed by the municipality and shall directly access a public road which is maintained year round so as to ensure ready accessibility for school buses, ambulances, fire trucks and other essential service vehicles.

A minimum of two access points is considered desirable to a publicly maintained open road allowance.

Plans of condominium may be approved utilizing common access for the condominium owners, other than a public road.

Where a draft plan of subdivision is proposed abutting or in the vicinity of a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal road.

Any new proposed street/road entrances onto a provincial highway will be subject to the access policies of the MTO and the MTO requirements for access to a highway.



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An alternative form of access in the Rural designation may be considered in accordance with Section 5 of the RCOP.

- (7) A plan of subdivision or plan of condominium shall be provided with direct access to a road developed to the standards of the relevant road authority.
- (8) Any proposed lot may not landlock any parcel of land and must be designed to allow for the integration with future development.
- (9) Upon draft approval of a plan of subdivision or plan of condominium by the County of Renfrew, the developer shall be required to enter into an agreement with the HCM covering (but not limited to) the following items:
  - road requirements;
  - sidewalk requirements;
  - drainage requirements;
  - access requirements;
  - financial requirements;
  - servicing requirements;
  - parkland requirements; and
  - phasing requirements.
- (10) Where land being developed by a plan of subdivision or plan of condominium abuts a Provincial Highway or County Road the layout of the subdivision should be designed in order that lots back on to the Provincial Highway or County Road and front on to the interior street. In such a case, no direct access from the lots to the Provincial Highway or County Road will be permitted.
- (11) The Ministry has plans to expand highway 17 and will be protecting the designated lands as a fully controlled-access four lane freeway. No active use or construction will be permitted within the designation. Proposed plans of subdivision in the vicinity of a provincial highway/designation require MTO review, approval, and permits.
- (12) Plans of subdivision within designated growth areas of a settlement area shall be appropriately phased to ensure that the intensification targets of this Plan are achieved prior to or concurrent with new development.
- (13) Renfrew County Planning will encourage the inclusion of a variety of dwelling types in all subdivisions and more specifically multiple residential dwelling units in areas of HCM where full servicing is available.
- (14) The location and land use pattern of any plan of subdivision or condominium shall be designed to minimize land consumption and servicing costs.

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- (15) A plan of subdivision or condominium should not be located in areas that would prevent the efficient expansion of settlement areas or in those areas which are adjacent or close to settlement areas.

### 9.5 Industrial Subdivision

In addition to any applicable policies listed above, the following policies shall apply to industrial subdivisions.

- (1) Where industrial subdivisions on individual services are permitted, Renfrew County Planning will require an amendment to the HCM zoning by-law. An amendment will only be considered when Renfrew County Planning is satisfied that:
- (a) the subdivision is presented in block form (plan) and only identifies outer boundaries of the site and, if necessary, road locations;
  - (b) the site is evaluated to determine its suitability for industrial uses. In assessing suitability, various environmental studies (including hydrogeological studies) on water supply, drainage, noise, and air pollution, if deemed necessary by Renfrew County Planning and/or the appropriate agency, will then be prepared and reviewed;
  - (c) the site is determined to be generally suitable for industrial use and the property could be subdivided by individual land severances. Lot sizes will be tailored for the specific use proposed and sewage systems will be designed accordingly;
  - (d) only industries utilizing low volumes of water are permitted;
  - (e) only domestic waste-water is directed to subsurface sewage treatment systems; and
  - (f) all industrial wastes will be disposed of in an approved manner.
- (2) Water use and waste disposal provisions will be implemented in cooperation with the Ministry of the Environment and Climate Change or applicable approval authority, through:
- (a) conditions in the Certificate of Approval;
  - (b) notification on title for land use; and
  - (c) use permits.