

***CORPORATION
OF THE
TOWNSHIP OF MADAWASKA VALLEY***

ZONING BY-LAW NO. 2006-26

Prepared For:

The Corporation of the
Township of Madawaska Valley

Prepared By:

County of Renfrew
Development & Property Department
Planning Division
9 International Drive
PEMBROKE, ON K8A 6W5

Passed by Council: May 1, 2006

Consolidated: June 8, 2011

TOWNSHIP OF MADAWASKA VALLEY

FORM 1 - NOTICE OF PASSING OF A COMPREHENSIVE ZONING BY-LAW

TAKE NOTICE that the Council of the Corporation of the Township of Madawaska Valley passed By-law _____ on the _____ day of _____, 20____ under Section 34 of the Planning Act.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the By-law by filing with the Clerk of the Corporation of the Township of Madawaska Valley not later than the _____ day of _____, 20____, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection. The notice of appeal must be accompanied by the fee required by the Ontario Municipal Board (\$125).

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

An explanation of the purpose and effect of the By-law is attached. As the By-law affects all lands in the Township of Madawaska Valley, a Key Map is not attached.

EXPLANATORY NOTE

This new zoning by-law repeals the zoning by-laws of the former Township of Radcliffe, the former Township of Sherwood, Jones & Burns and the former Village of Barry's Bay. As such, it establishes new zones and zone provisions for the amalgamated Township of Madawaska Valley.

The Council of a municipality may, under Section 34 of the Planning Act, pass a Zoning By-law to govern the use of land. The effect of By-law Number _____ is to regulate the use of land and the erection, location and use of buildings and structures within the entire Township of Madawaska Valley. After the By-law is in force, no land shall be used and no building or structure shall be erected, altered or used in any manner except in conformity with the provisions of the By-law. All previous Zoning By-laws are repealed by the new By-law.

The By-law will not apply to prevent or hinder the continued use of any land, building or structure, 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.

As the By-law affects all lands within the Township of Madawaska Valley, a Key Map has not been provided.

DATED at the Township of Madawaska Valley this _____ day of _____, 20____.

Pat Pilgrim, CAO/Clerk
Township of Madawaska Valley
Box 1000, 85 Bay Street
BARRY'S BAY, ON K0J 1B0

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LIST OF ZONING MAPS

Schedule “A” - Township of Madawaska Valley:

Map 1 - Geographic Township of Burns

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Map 3 - Geographic Township of Radcliffe with Inset for Combermere

Map 4 - Geographic Township of Sherwood (north)

Map 5 - Geographic Township of Sherwood (south)

Map 6 - Barry’s Bay area

**THE CORPORATION OF THE
TOWNSHIP OF MADAWASKA VALLEY**

BY-LAW NUMBER _____

Being a By-law to regulate the use of lands and the character, location and use of buildings and structures within the Township of Madawaska Valley pursuant to Section 34 of the Planning Act.

PREAMBLE

WHEREAS Section 34 of the Planning Act provides that the Council of a local municipality may pass By-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of The Corporation of the Township of Madawaska Valley wishes to ensure proper and orderly development within the limits of the Township of Madawaska Valley;

AND WHEREAS this By-law encompasses all lands within the former Township of Radcliffe, the former Township of Sherwood, Jones & Burns and the former Village of Barry's Bay;

AND WHEREAS the Council of The Corporation of the Township of Madawaska Valley has deemed it to be in the public interest that such a By-law be enacted;

NOW THEREFORE the Council of The Corporation of the Township of Madawaska Valley enacts as follows:

SECTION 1.0 - AUTHORIZATION AND USAGE**1.1 TITLE**

This By-law shall be known and may be cited as the "Zoning By-law" of the Corporation of the Township of Madawaska Valley.

1.2 SCOPE**1.2.1 Application of By-law**

The provisions of this By-law shall apply to all lands within the Township of Madawaska Valley, except Crown Lands.

1.2.2 Conformity with By-law

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

1.2.3 Changes Causing Contravention of By-law

No person shall change the purpose of which any lot, building or structure is used, or erect any new building or structure or alter any existing building, structure or lot, or sever any lands from any existing lot, if the effect of such action is to create a situation where any original, adjoining, remaining or new building, structure or lot contravenes any of the applicable provisions of this By-law.

1.2.4 Violations of Previous Zoning By-laws

Any use established in violation of a predecessor of this By-law shall be deemed to have been established unlawfully.

1.2.5 Other Restrictions

This By-law shall not be used or have the effect to reduce or mitigate any other restrictions by an authority having lawful jurisdiction to make such restrictions.

1.2.6 Permits and Licences

No Municipal permit, certificate or licence shall be issued for a proposed use of land, including any establishment, enlargement, alteration or change in use of any building or structure, that contravenes any provision of this By-law.

1.3 ADMINISTRATION

1.3.1 Administrator

This By-law shall be administered by the Chief Building Official or by a Zoning Administrator appointed by Council, or by such other person as Council may designate from time to time for such purpose.

1.3.2 Inspection

The Zoning Administrator, Chief Building Official or any officer or employee of the Corporation assigned the responsibility for enforcing this By-law may at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes a contravention is occurring. However, such officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, except under the authority of a search warrant as set out in Section 49 of the Planning Act.

1.3.3 Violations and Penalties

Every person who contravenes any provision of this By-law on conviction is liable:

- (a) on a first conviction to a fine of not more than \$25,000.00; and
- (b) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted; and

Every corporation which contravenes any provision of this By-law on conviction is liable:

- (c) on a first conviction to a fine of not more than \$50,000.00 and
- (d) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

Every such penalty described herein is subject to the provisions of Section 67 of the Planning Act, as amended, and will change from time to time in accordance with the said Act.

1.3.4 Remedies

Where a building or structure is or is proposed to be erected, altered or enlarged, or a building, structure or lot is or is proposed to be used in contravention of any

provision of this By-law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation.

1.3.5 Plans to Accompany Applications

In addition to all of the requirements of the Building Code and this By-law or any other By-law of the Corporation, every application for a building permit shall be accompanied by a plan, in duplicate, drawn to scale and showing;

- (a) the true dimensions of the lot to be built upon or otherwise used;
- (b) the location of all existing buildings, structures or uses on the lot;
- (c) the proposed location, height and dimensions of any building, structures or use proposed for such lot;
- (d) the proposed locations and dimensions of yards, landscaped open spaces, parking areas and loading spaces required by this By-law;
- (e) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure, and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law.

1.4 VALIDATION

1.4.1 Effective Date

This By-law shall come into effect from the date of its passing by Council and shall come into force in accordance with Section 34 of the Planning Act.

1.4.2 Repeal of Existing By-laws

From the coming into force of this By-law, all previous By-laws passed by the Council(s) of the former Township of Radcliffe, the former Township of Sherwood, Jones & Burns and the former Village of Barry's Bay under Section 34 of the Planning Act, or a predecessor thereof, shall be repealed, except to the extent that any of the said By-laws prohibit the use of any land, building or structure for a purpose or in a manner that is also prohibited by this By-law.

1.4.3 Provisions Validity Separable

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

1.4.4 Schedules to By-law

The Zones set out in this By-law and the boundaries of such Zones are set out on the maps that are attached hereto and marked as Schedules. The Schedules are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

1.5 INTERPRETATION

1.5.1 For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "used" shall also mean "designed to be used"; and the word "occupied" shall also mean "designed to be occupied".

1.5.2 Boundaries of Zones

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Schedules (Zoning maps) attached to this By-law the following rules shall apply:

(a) Centreline Limits

Where the boundary is shown as following a street, lane, railway right-of-way or other right-of-way, such Zone boundary shall be the centreline of the street, lane, railway right-of-way or other right-of-way.

(b) Lot Lines

Where the boundary is not shown to be a street, or other feature described in item (a), but is shown to substantially follow a lot line, such lot line shall be the Zone boundary unless specifically indicated otherwise on the Schedule.

(c) Closed Road, Right-of-Way

In the event that a dedicated road, lane or railway right-of-way shown on the Schedule is closed, the property formerly in such road, lane or railway right-of-way shall be included within the Zone of adjoining property on either side of such closed feature. Where such closed feature formed a Zone boundary, the new Zone boundary shall be the former centreline of the closed road, lane or railway right-of-way.

(d) Shoreline

Where the boundary is shown as following the shoreline of any waterbody, the high water mark shall be the Zone boundary.

(e) Other Boundaries

Where none of the above interpretations can be applied, then the location of the boundary shall be determined by scaling from the original Schedule(s) located in the Municipal offices.

1.5.3 Measurements

Where linear distances, other than those referring to vertical measurements are specified, such linear distances are measured on a horizontal plane.

1.5.4 Road Classification

The road classification is general and is considered as accurate as possible. However, final determination of the status of individual roads rests with the appropriate road authority.

SECTION 2.0 – DEFINITIONS

For the purpose of this By-law the definitions and interpretations of this section shall apply.

- 2.1 ABANDONED means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work during any continuous 12-month period.
- 2.2 ABATTOIR means a building, structure or lot or part thereof used for the slaughter of livestock or other animals for the purpose of processing or rendering.
- 2.3 ACCESSORY when used to describe a use, building or structure, means a use, or a detached building or structure, that is customarily incidental, subordinate and exclusively devoted to supporting the principal use, building or structure and located on the same lot therewith. This does not include an accessory residence unless otherwise specified.
- 2.4 ADULT ENTERTAINMENT PARLOUR shall mean any premise or part thereof in which, in pursuance of a business, trade, calling, or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations are provided. This definition does not include the exhibition, rental or sale of film or videos approved for distribution pursuant to the Theatres Act, or the sale of magazines or other printed material provided such sale does not contravene any law.
- Services appealing to or designed to appeal to erotic or sexual appetites or inclinations shall mean a performance, exhibition or activity of which a principal feature or characteristic is the nudity or partial nudity of any person.
- 2.5 AGGREGATE means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite and rock other than metallic ores.
- 2.6 AGRICULTURAL COMMERCIAL ESTABLISHMENT means the use of land, buildings or structures for the wholesale or retail sales of goods that are necessary to support agricultural uses and for the processing and sale of products derived from farm uses. Without limiting the generality of the foregoing, these include such goods as farm machinery and equipment, products used for the housing and husbandry of livestock, poultry and fur bearing animals, and materials and equipment for sub-surface drainage and such services as the selling, processing, storage and transportation of seed, feed, crops, milk and eggs and livestock, and the selling of fertilizer and chemical products.
- 2.7 AIRFIELD, PRIVATE means land used for the purpose of the landing, storing, taxiing or taking-off of private aircraft and uses, buildings and structures accessory thereto, but not an airport under the regulation of Transport Canada.

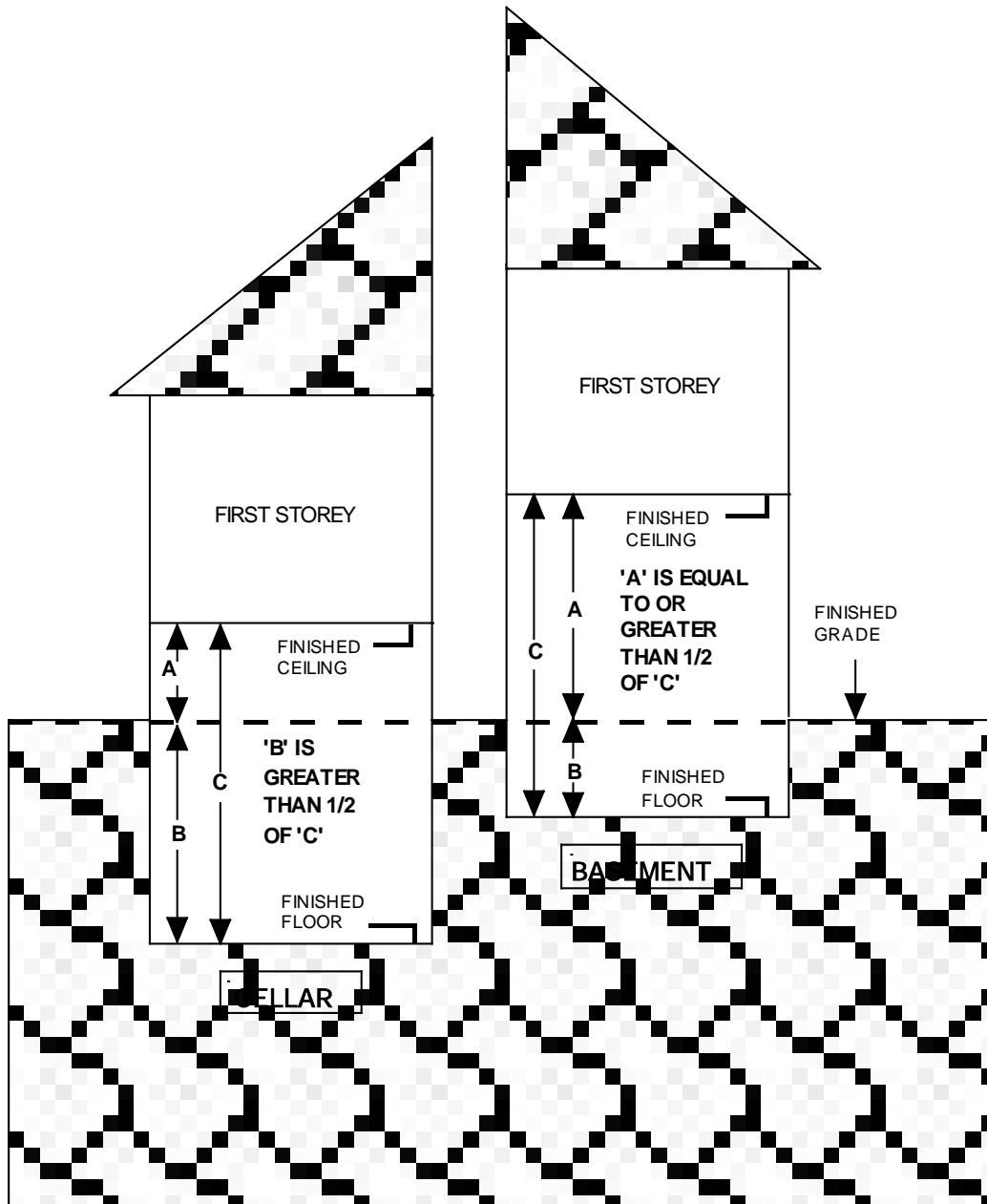
- 2.8 AIRPORT means the use of land licensed by Transport Canada for the landing and take-off of commercial and/or private aircraft and shall include any buildings or structures accessory thereto.
- 2.9 ALTER means any alteration in a bearing wall or partition or column, beam, girder or other supporting member of a building or structure or any increase in area or volume of a building or structure. When used in reference to a lot, the word alter means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane. The words "altered" and "alteration" shall have a corresponding meaning.
- 2.10 AMUSEMENT ARCADE means any premises or part thereof containing four or more electronic, mechanical pinball or amusement machines operated for gain and made available for the entertainment or amusement of the general public. This definition shall not include establishments which sell such devices, provided that such devices are not made available on the premises for use on a commercial basis by the public.
- 2.11 ANIMAL HOSPITAL means a building or structure where domestic animals, birds or other livestock are treated and where domestic animals or birds are kept for treatment only and shall include the clinic of a registered veterinarian.
- 2.12 ANSI (AREA OF NATURAL AND SCIENTIFIC INTEREST) means an area of land or water containing natural heritage landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.
- 2.13 ANTIQUE FURNITURE RESTORATION WORKSHOP, CABINET-MAKING SHOP AND SHOWROOM means an establishment engaged in the refinishing and restoration of antique furniture and includes a cabinet-making shop, and a showroom for the storage, and display of the finished product.
- 2.14 ARENA means a building, or part of a building, in which facilities are provided for such purposes as ice skating, roller skating or curling but does not include any other establishment otherwise defined or classified in this By-law.
- 2.15 ASPHALT MANUFACTURING PLANT means an industrial facility used for the production of asphalt for immediate use in the paving of roads and driveways and the damp-proofing of buildings or structures.
- 2.16 ASSEMBLY HALL means a building or part of a building in which facilities are provided for such purposes as meetings of civic, education, political, religious or social purposes, and shall include a banquet hall.

- 2.17 ATTACHED means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.18 AUTOMOTIVE-BODY SHOP means a building or structure used for the painting or repairing of vehicle bodies or fenders, but shall not include a salvage yard.
- 2.19 AUTOMOTIVE-CAR WASH shall mean a building or structure containing facilities for washing vehicles, either by production line methods and mechanical services or by a self-service operation.
- 2.20 AUTOMOTIVE-COMMERCIAL GARAGE means a building where all functions of an automotive service station may be carried out and where major repairs of vehicles may be performed, including body work and welding but shall not include dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.
- 2.21 AUTOMOTIVE-GASOLINE BAR means one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a floor area of not more than 10 square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing.
- 2.22 AUTOMOTIVE-SERVICE STATION means a building or place where gasoline, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries changed, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.23 AUTOMOTIVE-STORE means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance repair operations on motor vehicles.
- 2.24 AUTOMOTIVE-VEHICLE SALES OR RENTAL ESTABLISHMENT means an establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.
- 2.25 BANK means an institution where money is deposited, kept, lent or exchanged.
- 2.26 BASEMENT means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade as approved.

- 2.27 **BED AND BREAKFAST ESTABLISHMENT** means an owner-occupied single-detached dwelling in which there are up to four rooms for rent as short-term accommodation for tourists or vacationers, and may include the provision of meals. The Bed and Breakfast use shall remain subordinate to the primary use of the building as a single-detached dwelling. This definition does not include any other establishment defined in this By-law.
- 2.28 **BERM** means a landscaped mound of earth.
- 2.29 **BOARDING HOUSE** means a dwelling in which the proprietor resides and supplies for gain, more than three bedrooms for boarders and may include the provision of meals. Rooming house shall have a corresponding meaning.
- 2.30 **BOAT DOCKING OR LAUNCHING FACILITY** means a structure for the mooring or launching of boats or watercraft, attached to or forming part of the mainland or used in conjunction with a use on the mainland.
- 2.31 **BOAT HOUSE** means a detached one-storey, accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and the storage of household equipment incidental to the residential use of the property and shall not be used for human habitation nor contain food preparation or sanitary facilities.
- 2.32 **BUFFER STRIP** means an area to be used only for the purpose of screening land, buildings or other structures by the planting and maintenance of trees or shrubs or the construction and maintenance of a berm.
- 2.33 **BUILDING** means any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 2.34 **BUILDING ENVELOPE** means the buildable area on a lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.
- 2.35 **BUILDING SUPPLY STORE** means an establishment engaged in the selling of building supplies including lumber, mill work, siding, roofing, electrical, heating, air conditioning, and similar items.
- 2.36 **CABIN, SLEEP** means a building containing not more than two sleeping rooms, which building shall not include cooking facilities.
- 2.37 **CAMP, RECREATION** means a recreational establishment operated by a private or public organization for temporary accommodation in tents, cabins, cottages and/or lodge houses and shall include a church camp, a day camp or a scout camp but does not include any tourist establishment or mobile home park.

- 2.38 **CAMPING ESTABLISHMENT** means a tourist establishment consisting of at least five camping lots and comprising land used or maintained as grounds for the camping or parking of recreational vehicles and tents.
- 2.39 **CARPORT** see **GARAGE, PRIVATE OR CARPORT**.
- 2.40 **CELLAR** means the portion of a building between two floor levels, which is partly underground and which has more than one-half of its height from finished floor to finished ceiling, below adjacent finished grade.
- 2.41 **CEMETERY** means a cemetery, columbarium or mausoleum within the meaning of the Cemetery Act of Ontario.
- 2.42 **CHURCH** means a building commonly used by any religious organization, as defined in the Religious Organizations' Lands Act, for public worship, and may include a rectory or manse, church hall, auditorium, day nursery or religious school associated with or accessory thereto.
- 2.43 **CLINIC** means a building or part thereof, used exclusively by physicians, dentists, their staff, and their patients for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, a clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.
- 2.44 **COMMUNITY CENTRE** means any tract of land or buildings or any part of any buildings 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.
- 2.45 **COLD STORAGE LOCKER** means a building or part of building used for cold storage.
- 2.46 **CONCRETE MANUFACTURING PLANT** means an industrial facility used for the production of concrete for immediate use in the construction of buildings, structures, roads or driveways. This definition also means the manufacturing of finished concrete products and may include the retail sale of such products.
- 2.47 **CONSTRUCT** means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning.
- 2.48 **CONTRACTOR'S YARD OR SHOP** means an area of land of a contractor of any building or construction trade where equipment and materials are stored, or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

ILLUSTRATION OF CELLAR AND BASEMENT DEFINITIONS

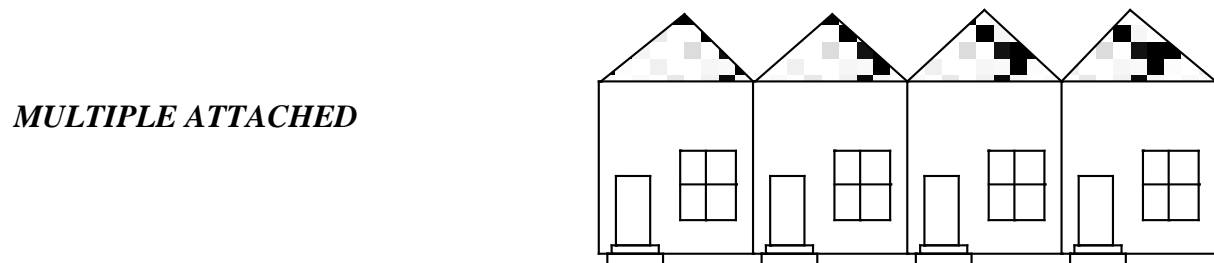
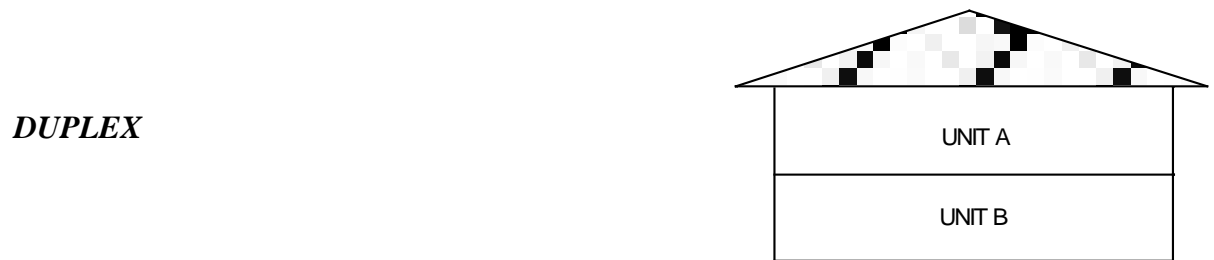
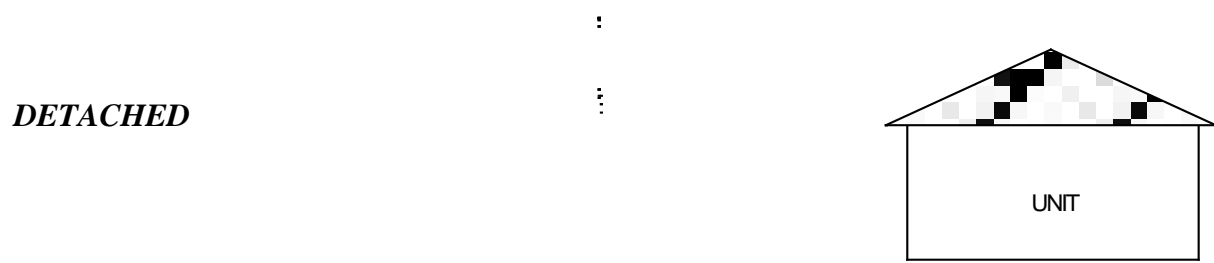


Note: the above illustration is for clarification purposes only.

- 2.49 CONVENIENCE STORE means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.
- 2.50 CORPORATION means the Corporation of the Township of Madawaska Valley.
- 2.51 COTTAGE means a building to accommodate one or more guests for temporary occupancy,
- (a) that contains at least two rooms;
 - (b) that is at least partially furnished; and
 - (c) in which the guest may be permitted to prepare and cook food.
- 2.52 COTTAGE ESTABLISHMENT means a tourist establishment comprised of two or more cottages owned or leased by the same person. Cabin establishment shall have a corresponding meaning.
- 2.53 CUSTOM WORK SHOP means a building or structure or part thereof where the manufacturing of small quantities or articles is performed by the tradesman requiring manual or mechanical skills, but does not include machining, stamping or forging of materials.
- 2.54 DAIRY means a building or part of building used for a dairy.
- 2.55 DAY NURSERY means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the day-time care of children.
- 2.56 DRIVEWAY means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- 2.57 DWELLING means a building or part of a building containing one or more dwelling units.
- 2.58 DWELLING, SINGLE DETACHED means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated single dwelling unit but does not include a mobile home.
- 2.59 DWELLING, SEMI-DETACHED means a building that is divided vertically into two separate dwelling units each of which has an independent entrance either directly from the outside or from a common vestibule.
- 2.60 DWELLING, DUPLEX means a building that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.

- 2.61 DWELLING, TRIPLEX means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from outside or through a common vestibule.
- 2.62 DWELLING, TWO UNIT (THREE UNIT, FOUR UNIT) means a building containing two dwelling units (or three dwelling units or four dwelling units respectively).
- 2.63 DWELLING, MULTIPLE ATTACHED means a building that is divided vertically into more than four (4) dwelling units, each of which has a separate and independent entrance at finished grade and separated from the adjoining unit or units by a common unpierced wall with no interior access between each dwelling unit. Townhouse shall have a corresponding meaning.
- 2.64 DWELLING, APARTMENT means the whole of a building not otherwise defined herein, which contains more than four (4) dwelling units served by a common entrance or by an independent entrance directly from the outside in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and the yards appurtenant thereto.
- 2.65 DWELLING, LIMITED SERVICE means a single detached dwelling that:
- (a) has no frontage on a municipally maintained street, and
 - (b) the owner is responsible for services, such as snow clearing and road maintenance, and for ensuring that the road condition is adequate for access by emergency vehicles including fire, ambulance and police;
 - (c) has a means of access to the lot that is not part of the municipal street network.
- 2.66 DWELLING, SEASONAL means a single detached dwelling that is used occasionally for recreation, rest or relaxation, but that is not occupied continuously nor used as a year round permanent dwelling.

ILLUSTRATIONS OF DWELLING TYPES



Note: The above illustrations are for clarification purposes only.

2.67 DWELLING UNIT means a suite of habitable rooms which:

- (a) is located in a building;
- (b) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- (c) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
- (d) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

2.68 DWELLING UNIT, ACCESSORY means a dwelling unit accessory to a permitted non-residential use.

2.69 DWELLING UNIT AREA means the aggregate of the floor area of all habitable rooms, hallways and lobbies within a dwelling unit, excluding the thickness of any exterior walls.

(By-law 2008-06)

2.70 DWELLING UNIT, ATTACHED means a dwelling unit attached to a single detached dwelling. The floor area of the attached dwelling unit shall not exceed 30 percent of the existing floor area of the primary residence or exceed 83.6 square metres (900 square feet) in gross floor area, whichever is the lesser.

(By-law 2009-91)

2.71 EATING ESTABLISHMENT means a building or part of a building where food is offered for sale or sold to the public for consumption *either on or off the premises* and includes a restaurant, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, but does not include a boarding house.

**

2.72 EATING ESTABLISHMENT, TAKE-OUT means a building or structure used for the sale of food to the general public and from which food is made available to the customer from within the building. *This includes a mobile food vehicle.* No provision is made for consumption of food on the site, *except for a mobile food vehicle.*

2.73 ERECT means build, construct, reconstruct, alter, enlarge or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operations such as cutting, grading, excavating, berming, piling, cribbing, filling or drainage, or any altering of any existing building by an addition, deletion, enlargement, extension or other structural change.

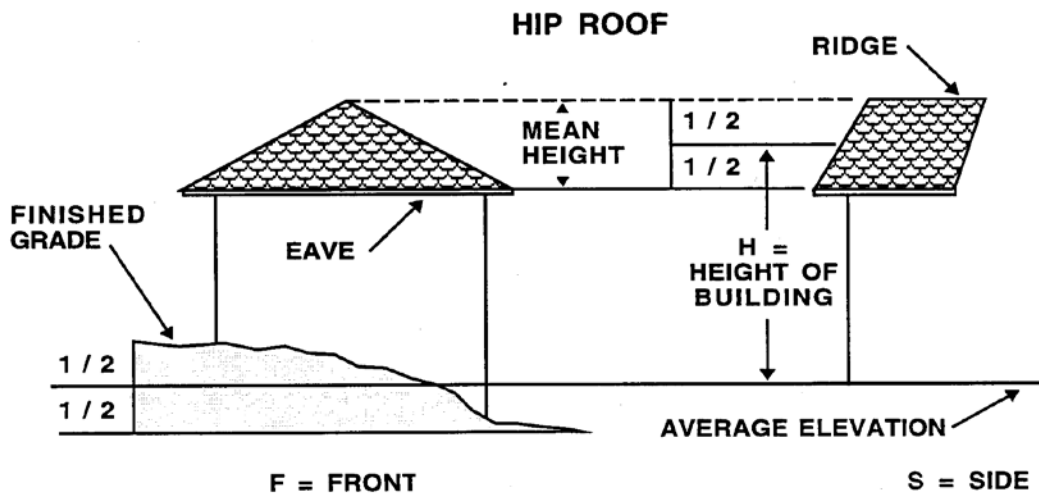
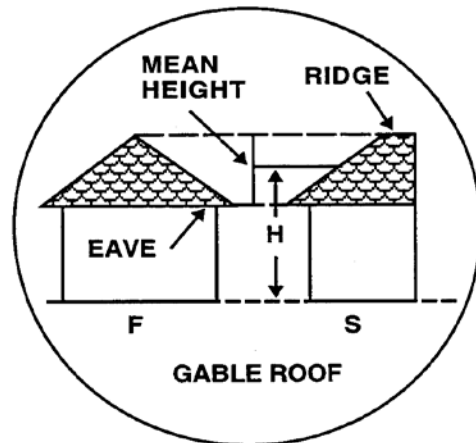
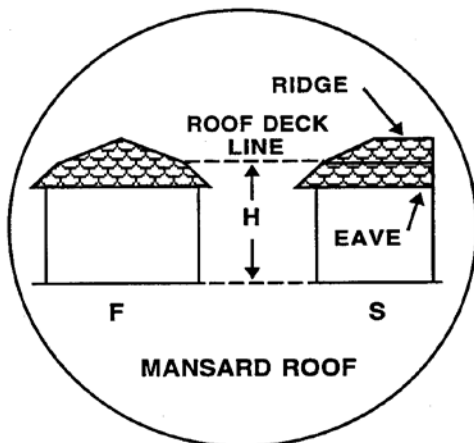
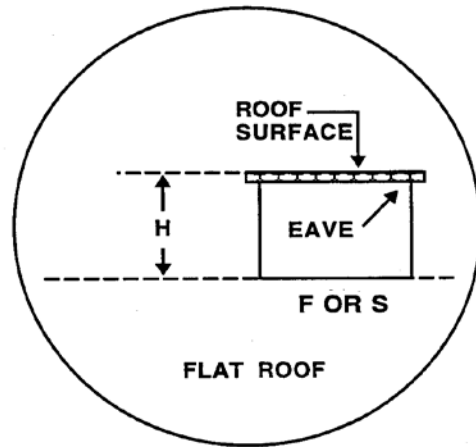
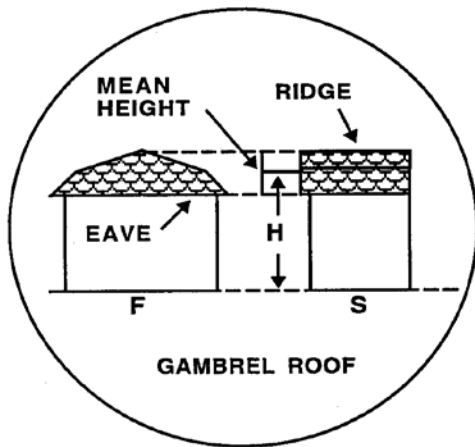
- 2.74 **ESTABLISHED BUILDING LINE** means the average distance from the street line to existing buildings on the same side of a street within 150 metres of a lot, where a minimum of 3 dwellings have been built within this area prior to the date of passing of this By-law. Where the established building line is being calculated for water setback, the average distance is to be measured in accordance with the foregoing, except that it will be calculated using the distances between the high water mark and existing buildings.
- 2.75 **EXISTING** means existing as of the date of final passing of this By-law.
- 2.76 **EXTRACTIVE INDUSTRIAL FACILITY** means a building, structure or facility used for processing aggregate and includes the screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation.
- 2.77 **FACTORY OUTLET** means a building accessory to a permitted industrial use where the products manufactured by that industry are kept and offered for wholesale or retail sale.
- 2.78 **FARM** means land used for the tillage of soil; the growing and harvesting of field crops, vegetables, fruits, horticultural crops and trees; the grazing, breeding, raising, boarding or training of livestock and horses; dairying; beekeeping, fish farming; any other operation that is normal farming practice; and includes one farm dwelling as well as barns, sheds and other accessory structures. A farm use includes a hobby farm.
- 2.79 **FARM LIMITED** means land used for growing and harvesting field, bush, vine, forest or tree crops or grazing and does not include a farm dwelling and accessory buildings and uses.
- 2.80 **FARM PRODUCE SALES OUTLET** means a stand set up as an accessory use on a farm, used for the sale or produce from that same agricultural use.
- 2.81 **FINANCIAL INSTITUTION** means the premises of a bank, trust company, finance company, mortgage company or investment company.
- 2.82 **FLOOD** means a temporary rise in the water level resulting in the inundation of areas that are adjacent to a water course and not ordinarily covered by water.
- 2.83 **FLOOD FRINGE** means the outer portion of the flood plain between the floodway and the upper elevation of the flood plain limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.
- 2.84 **FLOOD PLAIN** means the area of land within a watershed which is subject to inundation during a flooding event. This area shall be calculated as being the area that would be flooded with an expected average frequency of once in a hundred years. Lands subject to flooding shall have a corresponding meaning.

- 2.85 FLOODPROOFED means the installation of power service metering equipment, major electrical appliances, etc., such that they are not located below the flood plain design elevation but this does not prohibit the installation of electrical wall outlets equipped with ground fault plugs; the design and installation of heating, air conditioning, ventilation, plumbing, sewer and water systems which consider flood susceptibility; sanitary sewer and storm drainage systems having openings below the flood plain elevation which are provided with automatic back flow preventers; water supply systems which are designed to prevent contamination by flood waters; fuel-fired furnaces which are provided with float operated automatic control valves which shut off the fuel supply in the event of flooding; septic systems which are designed to operate during flood conditions and which prevent sewer discharges which could result in a health hazard; and no building openings below the regulatory flood elevation.
- 2.86 FLOODWAY means the channel of a watercourse and the inner portion of the flood plain adjacent to the watercourse where flood depths and velocities are more severe than in the flood fringe. These flood depths and velocities are considered to have the potential to threaten lives and/or damage property.
- 2.87 FLOOR AREA GROSS means, for a dwelling, the total area of the storeys exclusive of basements, cellars, attic, garages, sunrooms, unenclosed verandas or porches; and for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building. Only that floor area having a clear height to the ceiling of at least two and one-quarter metres (2.25 metres) may be used to calculate floor area.
- 2.88 FLOOR AREA, GROSS LEASABLE means the total floor area of a building including basements, mezzanines and upper floors, minus common areas including public walkways, malls, public toilets, truck and service facilities, joint service facilities, elevator shafts and lobbies, boiler rooms, maintenance rooms, mechanical or electrical or utility rooms and any parking for autos within the building.
- 2.89 FLOOR AREA, NET means only the habitable or useable floor space in a building exclusive of any foyer, hallways, stairwell, closet, washroom or toilet room and shall be measured from the inside walls.
- 2.90 FOOD CATERING ESTABLISHMENT means any premises where food is prepared for banquets, weddings, etcetera and where such food is prepared for consumption off the premises.
- 2.91 FRONTAGE see LOT FRONTAGE.

- 2.92 FORESTRY means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resources.
- 2.93 FUEL DEPOT means the use of land, structures or buildings for the purpose of distributing fuels from a fuel storage tank on the premises.
- 2.94 FUEL STORAGE TANK means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.
- 2.95 FURNITURE OR WOOD PRODUCTS SHOP means an establishment where items are constructed primarily from wood, including such products as cabinets, furniture, caskets, trim, or sash and door works.
- 2.96 FUNERAL HOME means any premises where preparation of a human body for interment or cremation is undertaken.
- 2.97 GARAGE, PRIVATE OR CARPORT means an enclosed or partially enclosed structure in which no business, occupation or service is conducted for profit, and which structure is used primarily for the storage of one or more vehicles and storage of household equipment incidental to the residential occupancy. Carport shall have a corresponding meaning.
- 2.98 GARAGE, PUBLIC means a municipal or provincial facility used for the storage and servicing of road construction and maintenance equipment and materials.
- 2.99 GARDEN CENTRE means an establishment primarily used for the retail sale of gardening equipment, products and planting materials, including greenhouses for the cultivation of such materials.
- 2.100 GOLF COURSE means a public or private area operated for the purpose of playing golf including an accessory club house, driving range, miniature course or combination thereof.
- 2.101 GRAVEL PIT means any open excavation made for the removal of any unconsolidated aggregate including earth, clay, sand, and gravel in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works.

- 2.102 **GROUP HOME** means a single housekeeping unit in a residential dwelling in which up to ten unrelated residents, excluding staff or the receiving family, live as a family under responsible supervision consistent with the requirements of its residents and which is licensed or approved under Provincial statute.
- 2.103 **HAULED SEWAGE** means untreated sanitary waste from a septic tank, privy or holding tank.
- 2.104 **HEIGHT** means, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and,
- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
 - (b) in the case of a mansard roof, the deck roof line;
 - (c) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridge; and
 - (d) in the case of any other type of roof, the highest point of the roof surface.
- 2.105 **HIGH WATER MARK** means the mark made by the action of water under natural conditions on the shore or bank 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.

ILLUSTRATION OF BUILDING HEIGHT



Note: The above illustrations are for clarification purposes only.

- 2.106 HOME DISPLAY AND SALES OUTLET means an establishment or premises where prefabricated dwellings including cottages and mobile homes are erected or located for display purposes only and from which orders can be placed for the purchase and delivery of such dwellings or parts and accessories associated therewith.
- 2.107 HOME FOR THE AGED means a "home for the aged" as defined under the Homes for the Aged and Rest Homes Act, as amended from time to time.
- 2.108 HOME INDUSTRY means a gainful occupation including a day nursery, carpentry, electrical shop, woodworking, window framing, welding, plumbing, machine or auto repair shop, riding stables and a kennel with a maximum of four outdoor runs; a service shop; blacksmithing; or a storage building for school buses, boats or snowmobiles and conducted in whole or in part in an accessory building to a single detached dwelling or to a permitted farm use.
- 2.109 HOME OCCUPATION means any occupation for gain or support which is carried on as an accessory use either within a dwelling or dwelling unit and operated by members of the one family residing in a dwelling or dwelling unit. Such home occupation uses may include a service or repair shop; a personal service shop; the office or consulting room of a doctor, dentist, chiropractor, drug-less practitioner, lawyer, real estate agent, insurance agent, planner, architect, photographer, teacher, music or dance instructor or engineer, but does not include a clinic, a hospital, a nursing home, a tea room, kennel, a taxi business or a small internal combustion engine repair shop.
- 2.110 HOSPITAL means a hospital as defined in the Private Hospitals Act, a sanitarium as defined by the Private Sanitarium Act or a hospital as defined by the Public Hospital Act.
- 2.111 HOTEL means a tourist establishment that consists of the following: 1) one or more than one building containing four or more accommodation units grouped under one roof and accessible from the interior or partially from the exterior, and 2) may or may not have facilities for serving meals.
- *(By-law 2011-32)***
- 2.112 HUNTING & FISHING CAMP means a building or structure intended to provide basic shelter and accommodation on an occasional basis for a person or group of persons engaged in hunting, fishing or other outdoor recreational activities. Such structure may be described as being of light frame construction. **
- 2.113 INSTITUTIONAL USE means the use of buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centre, hospitals and government buildings.

2.114 KENNEL means an establishment in which dogs or other domesticated animals are housed, groomed, boarded, bred or trained for gain or profit.

(By-law 2011-25)

2.115 LABORATORY means an establishment used for scientific research and/or experiments.

2.116 LANDSCAPED OPEN SPACE means open space comprised of lawn and/or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, courts and patios, but shall not include parking areas, traffic aisles, driveways, ramps or storage of equipment, vehicles or other materials.

2.117 LANE means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

2.118 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.

2.119 LIVESTOCK means chickens, turkeys, cattle, hogs, mink, rabbits, sheep, horses, goats or any domestic animal used or raised for consumption or for commercial purposes.

2.120 LIVESTOCK FACILITY means barns, buildings or structures where livestock are housed and shall also include beef feedlots and the associated manure storage facilities.

2.121 LODGE HOUSE means a building in which bedrooms, common areas, dining areas, games areas and meals are available for the guests of an establishment.

(By-law 2011-25)

2.122 LOG HOME MANUFACTURING PLANT means a building or structure in which log homes are fabricated or assembled, and includes an office and any related training facilities.

2.123 LOGGING HAULER means an area of land and/or building of a logging hauler where equipment and materials belonging to the logging hauler are stored and may include repairs to logging equipment belonging to the logging hauler. This definition does not include other logging activities such as a sawmill or the storage of logs on the ground or in storage buildings.

2.124 LOT means a parcel or tract of land:

- (a) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50 of The Planning Act.

- (b) which is a separate parcel of land the owner of which does not retain the fee or equity of redemption in, or a power or right to grant, assign, or exercise a power of appointment with respect to any abutting land, or
 - (c) the description of which is the same as in a deed which has been given consent pursuant to the Planning Act.
- 2.125 LOT AREA means the total horizontal area within the lot lines of a lot. In the case of a corner lot having street lines rounding at the corner with a radius of six (6) metres, or less, the lot area of such land shall be calculated as if the lot lines were produced to their point of intersection.
- 2.126 LOT, CORNER means a lot having street frontage adjoining the point of intersection of two or more streets.
- 2.127 LOT COVERAGE means the percentage of the lot area covered by buildings, including accessory buildings.
- 2.128 LOT FRONTAGE means the horizontal distance between the side lot lines measured along the front lot line. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured along a line seven and one-half (7.5) metres back from and parallel to the street line.
- 2.129 LOT, INTERIOR means a lot situated between adjacent lots and having access to one street.
- 2.130 LOT, LINE means any boundary of a lot or a vertical projection thereof.
- 2.131 LOT LINE, FRONT means the lot line that divides the lot from the street or street allowance or private road with the following clarifications:
- (a) in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street shall be deemed the side lot line;
 - (b) 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 or abuts a County Road shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is approved shall be deemed to be the front lot line;
 - (c) in the case of a corner lot abutting a .3 metre reserve the lot line so abutting the .3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;

- (d) in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the lot line where the principal access to the lot is approved shall be deemed to be the front lot line; and
- (e) in all other cases, the lot line where the principal access to the lot is approved shall be deemed to be the front lot line.
- 2.132 LOT LINE, REAR means, in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line. In the case of a lot with less than four lot lines, there shall be deemed to be no rear lot lines.
- 2.133 LOT LINE, SIDE means a lot line other than a front or rear lot line.
- 2.134 LOT, THROUGH means a lot bounded on two opposite sides by a street. If any lot qualifies as being both a "Lot, Corner" and a "Lot, Through" as hereinbefore defined, such lot shall be deemed a "Lot, Corner" for the purpose of this By-law.
- 2.135 MAIN BUILDING means a building in which the principal use is conducted on the lot on which the building is located. In the residential zone the dwelling is the main building.
- 2.136 MANUFACTURING PLANT means a building or structure in which a product is fabricated or materials are processed or assembled and from which such product is shipped to a wholesale or retail outlet.
- 2.137 MANUFACTURING PLANT, LIGHT means a building or structure in which materials or component parts are manufactured, assembled or processed to produce finished products suitable for the retail trade but does not include any industry involving stamping presses, furnaces or other machinery that emits dirt, dust or noxious fumes into the air or that results in noise or vibration beyond the property in excess of Ministry of the Environment guidelines.
- 2.138 MARINA means a building, structure or place, containing docking facilities and located on a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent, where boat trips may be offered, and where facilities for the sale of marine fuels and lubricants may be provided.
- 2.139 MEAT PRODUCTS PLANT means a canned meat factory, sausage factory, meat processing plant and any other factory where meat or poultry are cooked, cured, smoked or otherwise processed or packed but does not include a stock-yard, abattoir, tannery or hide processing plant, a poultry-killing establishment, an animal food factory or an animal by-products plant.

2.140 MINE means,

- (a) any opening or excavation in, or working of, the ground for the purpose of winning any mineral or mineral bearing substance;
- (b) all ways, works, machinery, plant, buildings and premises below or above the ground relating to or used in connection with the activity referred to in clause (a);
- (c) any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining or treating any mineral or mineral bearing substance, or conducting research on them;
- (d) tailings, waste rock, stockpiles of ore or other material, or any other prescribed substances, or the lands related to any of them; and
- (e) mines that have been temporarily suspended, rendered inactive, closed out or abandoned;

but does not include any prescribed classes of plant, premises or works.

2.141 MINING means any mode or method of working whereby the earth or any rock, stratum, stone or mineral-bearing substance may be disturbed, removed, washed, sifted, leached, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether it has been previously disturbed or not.

2.142 MINI STORAGE ESTABLISHMENT means one or more than one building containing separate spaces of varying sizes that are offered by lease or rent to persons for the storage of chattels. Self-service storage building shall have a corresponding meaning.

(By-law 2009-91)

2.143 MOBILE FOOD VEHICLE, means a refreshment operation which is established at a location on a temporary basis and which may change location from time to time through the use of motorized transportation and which is not located in a permanent building or structure.

2.144 MOBILE HOME means any dwelling that is designed to be made mobile and constructed or manufactured to be used in like manner as a single detached dwelling for the permanent accommodation of one or more persons, notwithstanding that the running gear is or may be removed, or that such dwelling is or may be fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and permanent structure, and includes any mobile home as defined in Section 46(1) of the Planning Act amended from time to time, or any successors thereto.

- 2.145 **MOBILE HOME PARK** means a lot containing two or more mobile home sites and which is under single management and ownership, used for the siting of mobile homes together with commercial-recreational and service uses for Mobile Home Park residents, including any building, structure or enclosure forming a part of such a mobile home park.
- 2.146 **MOBILE HOME SITE** means an area of land which shall be considered a lot within a mobile home park occupied by or intended for occupancy by one mobile home together with all yards and open space required by this By-law.
- 2.147 **MOTEL** means a tourist establishment that consists of the following: 1) one or more than one building containing four or more attached accommodation units accessible from the exterior only, and 2) may or may not have facilities for serving meals.
- 2.148 **MUTUAL DRIVEWAY** means an ingress or egress that is common to two or more owners of abutting lands as a right-of-way registered against the title of the lands.
- 2.149 **NAVIGABLE WATERWAY** means a navigable body of water or stream as deemed under the Navigable Waters Protection Act.
- 2.150 **NON-CONFORMING** means that which does not conform, comply or agree with the regulations of this Bylaw as of the date of final passing thereof.
- 2.151 **NURSERY** See GARDEN CENTRE.
- 2.152 **NURSING HOME** means a nursing home as defined under the Nursing Home Act, as amended from time to time.
- 2.153 **OFFICE, BUSINESS** means an office where one or more persons are employed in the management, direction or conducting of any agency, business, brokerage, labour or fraternal organization and shall include a newspaper plant, a radio and television broadcasting studio or theatre.
- 2.154 **OFFICE, PROFESSIONAL** means any office where professionally qualified persons, technical assistants and clerical staff are employed and where clients or patients seek advice, consultation, or treatment. Notwithstanding the foregoing, said office shall not be a hospital or any other use defined herein.
- 2.155 **OPEN SPACE** means a parcel or area of land essentially unimproved or unoccupied by any building, structure or driveway.

- 2.156 OPEN STORAGE means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to air on the side.
- 2.157 OUTDOOR FURNACE means a solid fuel burning appliance located outside of the building it serves and is used for the space heating of buildings and/or domestic water heating and does not include the incineration of waste as defined in Section 25 of the Environmental Protection Act, c.E.19., R.S.O. 1990.
- 2.158 PARK means a recreational area that consists largely of open space and which may include a picnic area, swimming pool or area, playground, play field or similar use, but shall not include a mobile home park or recreational vehicle park.
- 2.159 PARK, PRIVATE means a park other than a public park.
- 2.160 PARK, PUBLIC means a park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.
- 2.161 PARKING AREA means an area provided for the parking of motor vehicles and encompassing at least the required number of parking spaces and all driveways, aisles, manoeuvring areas, entrances, exits and similar areas for access to parking spaces, but shall not include any part of a street or private road.
- 2.162 PARKING SPACE means an area measuring 2.7 metres by 5.5 metres, exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.
- *(By-law 2011-32)***
- *2.163 PEDESTAL SIGN means a sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is 2 metres or more above grade.*
- 2.164 PERMITTED means permitted by this By-law.
- 2.165 PERSON means an individual, an association, a chartered organization, a firm, a partnership or a corporation.
- 2.166 PLACE OF ENTERTAINMENT means an athletic, recreational or social club operated for gain or profit as well as a motion picture or other theatre, auditorium, billiard or pool room, bowling alley, ice or roller skating rink, curling rink, or dance hall, but does not include any place of entertainment or recreation or other use otherwise defined or classified in this By-law.
- 2.167 PORTABLE ASPHALT PLANT means a facility operated by, or on behalf of, a public road authority for a particular construction project, with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes the stockpiling and storage of bulk materials used in the process. Such a facility is not of permanent construction, but is designed to be dismantled and moved to another location as required.

- 2.168 **PRINTING SHOP** means a building or part of a building used for printing.
- 2.169 **PRIVATE ROAD** means a registered right-of-way not dedicated and accepted as, or otherwise deemed at law to be a public highway, that serves as a privately maintained motor vehicle access-route to one or more abutting, legally conveyable parcels of land. New private roads shall have a minimum width of 10 metres (33 feet).
- 2.170 **PRIVATE CLUB** means a building or part of a building used as a meeting and social place exclusively for members of a chartered organization and their guests, and shall include a fraternal lodge (eg. Free Masons), a fraternity or sorority house, hostel, and a labour union hall.
- 2.171 **PROPANE TANK** shall mean a structure consisting of a tank used for the storage of propane gas.
- 2.172 **PROVINCIALY SIGNIFICANT WETLAND** means an area identified as Provincially Significant by the Ministry of Natural Resources using evaluation procedures established by the Province.
- 2.173 **PUBLIC AUTHORITY** means the Council and any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Planning Committee or other board or commission or committee of the Township of Madawaska Valley established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by By-law of the Municipality.
- 2.174 **PUBLIC BUILDING** means any building or structure owned or leased by a municipal corporation, the County of Renfrew, Province of Ontario or the Government of Canada and in which government activities are carried out.
- 2.175 **PUBLIC UTILITY** means a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system or a telephone system, and includes any lands, buildings or equipment required for the administration or operation of any such system.
- 2.176 **QUARRY** means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works.

- 2.177 RECREATION, ACTIVE means the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course, a sports field, and motorized vehicle trails.
- 2.178 RECREATION, PASSIVE means the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a playground with activity equipment for children.
- 2.179 RECREATIONAL VEHICLE means a structure or vehicle designed, intended and used as accommodation exclusively for travel, recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled and shall include travel trailers, park model trailers, tent trailers, vans, motor homes, and similar transportable accommodation excepting a mobile home.
- 2.180 RECREATIONAL VEHICLE CAMPGROUND means a parcel of land under single ownership which is designed, developed and maintained or intended to provide accommodation on a temporary or seasonal basis, for recreational vehicles and/or tents plus accompanying towing or carrying vehicles. It may also include accessory uses such as an administration office, clubhouse, snack bar, laundry, convenience and souvenir shop, swimming pool, washrooms, showers, managers dwelling and recreational facilities. Recreational Vehicle Park shall have a corresponding meeting.
- 2.181 RECREATIONAL VEHICLE SITE means a plot of ground within a recreational vehicle campground or a camping establishment intended for exclusive occupancy by the renter(s), and on which accommodations and vehicles can be placed.
- 2.182 RELIGIOUS EDUCATION FACILITY means an establishment used by religious groups for study, relaxation, meditation and similar activities, including dining and lodging facilities, accommodation for staff and compatible accessory uses.
- 2.183 REQUIRED means required by this By-law. REQUIREMENT shall have a corresponding meaning.
- 2.184 RESORT means a tourist establishment catering to the vacationing public, designed as a destination-oriented operation and/or being within an area recognized as a destination for vacations, and providing meals and sleeping accommodations that may consist of lodge houses, guest rooms or cottages, but shall not include any other use defined herein.
- 2.185 RESTAURANT see EATING ESTABLISHMENT.

- 2.186 **RETAIL STORE** means a building or part of a building in which goods, wares, merchandise, substance, articles or things are offered or kept for sale at retail, but does not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- 2.187 **RIDING STABLES** means an establishment where horses are boarded and where, for a fee, horses are hired out to the general public for riding or for riding lessons.
- 2.188 **ROAD, PUBLIC** see **STREET**.
- 2.189 **ROAD ALLOWANCE** see **STREET ALLOWANCE**.
- 2.190 **ROOM, HABITABLE** means a room which:
- (a) is located within a dwelling unit;
 - (b) is designed for living, sleeping or eating or for sanitary purposes;
 - (c) can be used at all times throughout the year; and
 - (d) is not located within a cellar.
- 2.191 **ROOM, NON-HABITABLE** means any room located within a dwelling unit that is not a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a stairway, a closet, a verandah, a recreation room, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- 2.192 **SALVAGE YARD** means a lot and/or premises for the storage and/or handling and/or sale of scrap or used materials, which, without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage includes a junk yard, scrap metal yard and a wrecking yard, including ancillary automotive sales and service establishment and premises.
- 2.193 **SAWMILL** means a building, structure or area where timber is cut or stored, either to finished lumber or as an intermediary step.
- 2.194 **SCHOOL** means a school under the jurisdiction of a Public or Separate School Board, a college or a university or any other school established and maintained either wholly or partially at public or private expense whether or not the same is also a boarding school, and includes any dormitory building accessory to a school.

- 2.195 SENIOR CITIZEN'S HOME means any home for senior citizens sponsored and administered by any public agency or any service club, church or other profit or non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription donation or residents payments, or by any combination thereof, and such homes shall include auxiliary uses such as club, kitchen, dining and/or lounge facilities, usually associated with Senior Citizens development.
- 2.196 SEPARATION DISTANCE means the horizontal distance between buildings or structures or physical features measured from the closest point of the exterior wall of such building or structure, or from the closest point of such physical feature.
- 2.197 SERVICE SHOP, GENERAL means a building or part of a building used for the servicing or repairing of articles, goods or materials, and in which no product is manufactured and includes radio, television and appliance repair shops, a laundromat, but does not include any automotive uses as defined by this By-law.
- 2.198 SERVICE SHOP, PERSONAL means a building or part thereof in which services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the foregoing, includes barber shops, hairdressing establishments and workrooms for shoe repair and shoe shining shops, tailor shops, bakery shops and photographic studios.
- 2.199 SEWAGE DISPOSAL SYSTEM, PRIVATE means a sanitary disposal system including a septic tank and tile bed disposal system approved by the Township's Sewage System Authority.
- 2.200 SEWAGE SLUDGE means the aqueous suspension of residual solids generated from the treatment of municipal or industrial wastewater.
- 2.201 SHOPPING CENTRE means a group of commercial and service establishments related in size and type, primarily to the specific commodity needs of the community and designed, developed and managed as a unit whether by a single owner, a group of owners or tenants acting in collaboration and shall include as a primary establishment a department store. Generally, but not prerequisite, the public access to individual functions within a Shopping Centre will be from an enclosed common mall area.

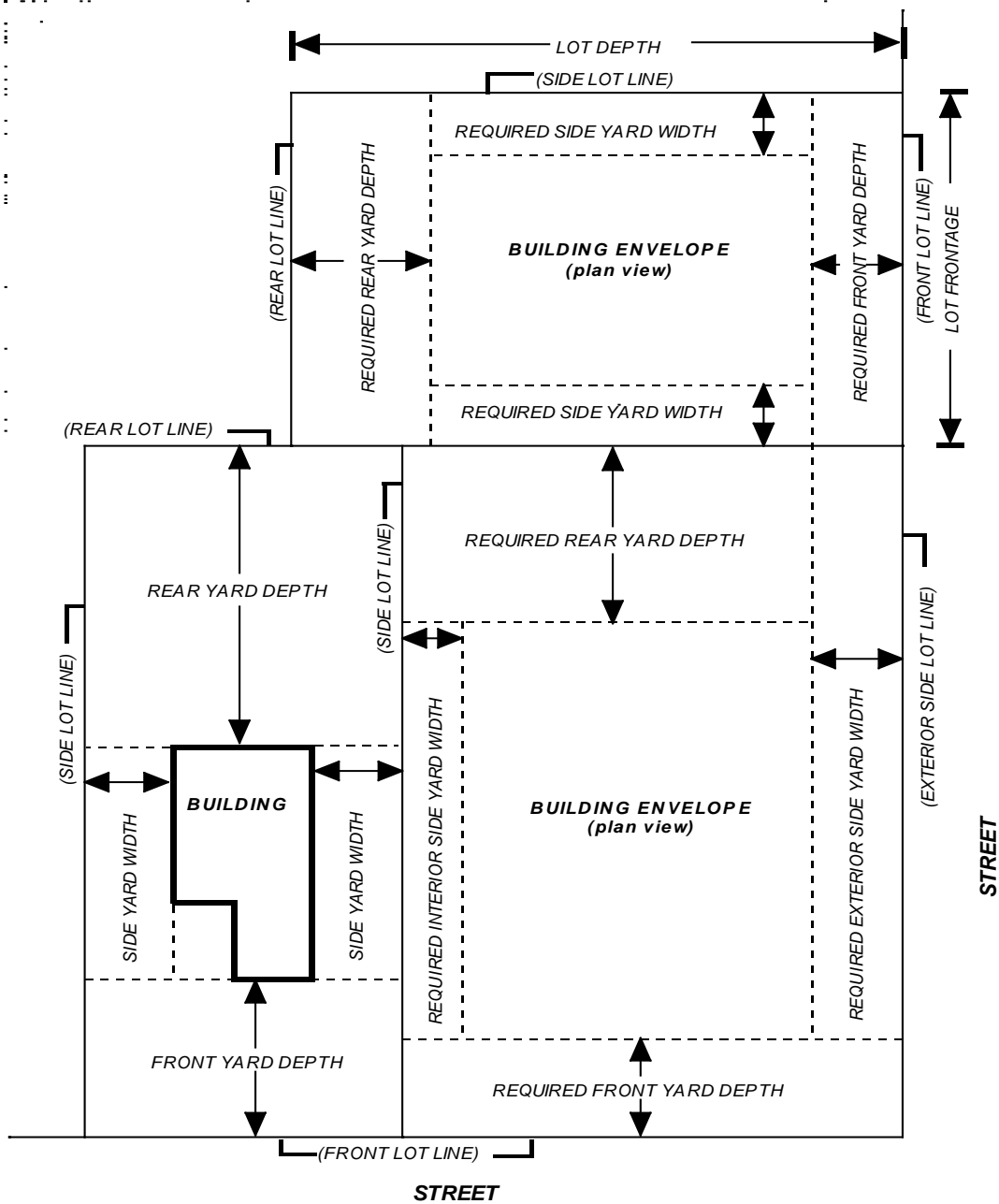
- 2.202 SHOPPING PLAZA means a group of commercial and service establishments or uses, related in size and type, primarily to the day to day needs of a residential area and designed, developed and managed as a unit, whether by a single owner, a group of owners or tenants in collaboration. Access to individual functions generally may be from an open mall area.
- 2.203 STREET means a public highway or public road under the jurisdiction of either the Corporation, the County of Renfrew or the Province of Ontario, and includes any highway as defined in the Municipal Act, as amended, but does not include a lane, a driveway or a private road.
- 2.204 STREET ALLOWANCE (ROAD ALLOWANCE) means land held under public ownership for the purpose of providing a street.
- 2.205 STREET, IMPROVED means a public road which has been constructed in such a manner so as to permit its use by normal vehicular traffic on a year-round basis, and is maintained by the Municipality, including snow ploughing, on a year-round basis.
- 2.206 STREET, MINIMUM MAINTENANCE means a public road that is under the jurisdiction of the Township and that is maintained to a standard acceptable for normal summer use only. STREET, SEASONAL shall have a corresponding meaning.
- 2.207 STREET LINE means the limit of the road or street allowance and is the dividing line between a lot and a street.
- 2.208 STRUCTURE means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.
- 2.209 TAILINGS AND SLAG PILES means waste material or residue resulting from the reduction of metals from their ores.
- *(By-law 2011-24)***
- 2.210 TARPAULIN GARAGE means a supporting metal or wood *membrane* framework with a fabric cover made of canvas, nylon, or similar material.
- 2.211 TAVERN OR PUBLIC HOUSE means a tavern or public house as defined in the Liquor Licence Act, but does not include a hotel or eating establishment.
- 2.212 TAXI STAND means the permanent location of the taxi business and the source of dispatch.
- 2.213 TOURIST ESTABLISHMENT means a commercial building, structure or area of land designed for the accommodation of travelling or vacationing public.
- 2.214 TOWNSHIP means the Corporation of the Township of Madawaska Valley.

- 2.215 TRAILER means any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, except a mobile home or farm implement.
- 2.216 TRAILER, PARK MODEL, means a trailer constructed to CSA Z-241 standard that is built on a single chassis mounted on wheels, designed for relocation from time to time, designed as living quarters for seasonal camping with the possibility for connection to services, and has a gross floor area, including lofts, not greater than 50 square metres when in setup mode and having a width greater than 2.6 metres in transit mode. A park model trailer is deemed to be a building or structure for the purposes of this By-law, as authorized by Section 34(4) of the Planning Act.
- 2.217 TRAILER, TENT OR TRAVEL means any trailer capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. A tent or travel trailer is deemed to be a building or structure for the purposes of this By-law, as authorized by Section 34(4) of the Planning Act.
- 2.218 TRAILER PARK see RECREATIONAL VEHICLE CAMPGROUND.
- *(By-law 2011-25)***
- *2.219 TRAINING FACILITY means a building for the continuing education, training and certification of individuals in the trades, professional occupations and the like.*
- 2.220 TRANSFER STATION means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- 2.221 TRUCK TERMINAL means a building, structure or place where trucks or transports are rented, leased, kept for hire, or stand or park for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers or where goods are stored temporarily for further shipment.
- 2.222 USE means the purpose for which a lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupied or maintained. USED shall have a corresponding meaning.
- 2.223 VEHICLE means a passenger automobile or other motor vehicle, a boat, a farm implement, a commercial motor vehicle, a recreational vehicle, a snowmobile, a trailer and any other device that is capable of being propelled or driven by any kind of power but not any other device powered solely by human effort except a boat.

- 2.224 WAREHOUSE means a building or part of a building used primarily for the operation of general merchandise warehousing, cold storage and other storage facilities and also includes a centre for the distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial, institutional, or professional users; to wholesalers.
- 2.225 WASTE DISPOSAL SITE means any land approved by the Ministry of the Environment upon, into, or in which waste may be deposited or processed.
- 2.226 WATERCOURSE means the natural channel for a stream of water and, for the purposes of this by-law, includes any watercourse shown on a Schedule or Schedules of this By-law.
- 2.227 WATER FRONTAGE means the straight line horizontal distance between the two most widely separated points on any one shoreline of a waterfront lot.
- 2.228 WATER SETBACK means the straight line horizontal distance from the high water mark of a watercourse, bay or lake to the nearest part of any excavation, building, structure or open storage use on the lot.
- 2.229 WATER SYSTEM, COMMUNAL means a private water distribution supply system in which water is piped to more than one dwelling or business operation.
- 2.230 WAYSIDE PIT, QUARRY means a temporary gravel pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 2.231 WETLANDS means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either plants that commonly grow in water or in water logged soil, or water tolerant plants. The four major categories of wetland are swamps, marshes, bogs and fens.
- 2.232 WELDING SHOP means a building or structure or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.
- 2.233 WRECKING ESTABLISHMENT means a building and/or lot used for the wrecking or dismantling of vehicles as defined herein, and for the storage and sale of scrap material, salvage and parts obtained therefrom, but shall not include any other automotive use defined herein.
- 2.234 YARD means an open space on the same lot with a building or structure or excavation, unoccupied and unobstructed except as for such accessory buildings, structures or uses specifically permitted in this By-law.

- 2.235 YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest part of any main building, structure or excavation on the lot. FRONT YARD DEPTH means the shortest horizontal distance between the front lot line of the lot and the nearest part of any main building, structure or excavation on the lot.
- 2.236 YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest part of any main building, structure or excavation on the lot; REAR YARD DEPTH means the shortest horizontal distance between the rear lot line of the lot and the nearest part of any main building, structure or excavation on the lot.
- 2.237 YARD, SIDE means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any main building, structure or excavation on the lot. SIDE YARD WIDTH means the shortest horizontal distance between a side lot line and the nearest part of any main building, structure or excavation on the lot.
- 2.238 YARD, EXTERIOR SIDE means a yard adjacent to a street between the nearest part of any main building, structure or excavation on the lot and a street, a 1-foot reserve or a road allowance, extending from the front yard to the rear lot line. EXTERIOR SIDE YARD WIDTH means the shortest horizontal distance between a side lot line on the flank side yard side and the nearest part of any main building, structure or excavation on the lot.
- 2.239 YARD, INTERIOR SIDE means a side yard other than an exterior side yard.
- 2.240 YARD, REQUIRED means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this By-law. A required side yard shall extend from the required front yard to the required rear yard.
- 2.241 ZONE means an area delineated on a Zoning Map Schedule and established by this By-law for a specific use or group of uses.
- 2.242 ZONING ADMINISTRATOR means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

ILLUSTRATION OF YARDS, REQUIRED YARDS AND RELATED TERMINOLOGY



Note: The above illustration is for clarification purposes only.

SECTION 3.0 - GENERAL PROVISIONS**3.1 APPLICATION**

The requirements contained in the General Provisions shall apply to all zones, except as otherwise indicated.

3.2 ACCESS see Subsection 3.14 Lots to Front on Streets.**3.3 ACCESSORY USES, BUILDINGS AND STRUCTURES**

Accessory uses, buildings and structures shall be permitted in any Zone provided that:

- 3.3.1 No accessory use, building or structure shall be built on a lot until the principal or main use, building or structure has been built on the lot. Notwithstanding the aforesaid, an accessory use, building or structure may be permitted on a lot in a Residential or Rural Zone before the principal or main use, building or structure has been built on the lot provided a site plan for the future development of the property (showing, for example, the location of a septic system and setbacks) is approved by the Municipality.
- 3.3.2 No accessory building or structure shall be used for human habitation except where a dwelling is a permitted accessory use.
- 3.3.3 The accessory building or structure shall not be located within any minimum required front yard depth or within any minimum required exterior side yard width. This provision shall not apply to a shelter for use by children waiting for a school bus in any Rural (RU) Zone nor to any farm produce sales outlet, provided the structures have less than 9.3 square metres of gross floor area.
- 3.3.4 Where paragraph 3.3.3 preceding does not apply (i.e. interior side yard and rear yard) and unless indicated otherwise in this By-law, no accessory building or structure or use shall be located closer than 1.0 metre to any lot line except:
- (a) that common semi-detached garages may be centred on the mutual side lot line;
 - (b) that no setback shall apply to boat docking, boat launching facilities or to boat houses. Notwithstanding, boat houses on sensitive lakes shall be required to meet the minimum water setback; and
 - (c) that prescribed uses and structures may be permitted in accordance with the provisions of this By-law for Encroachments On Required Yards, and with the Parking Requirements of this By-law.

(By-law 2007-07)

- 3.3.5 Accessory buildings and structures shall not exceed *5.0* metres in height in any Residential Zone or 7.5 metres in height in any Commercial or Industrial Zone.
- 3.3.6 The coverage of the lot by accessory buildings and structures shall not exceed ten (10) percent of the total lot area, but a private garage, carport or swimming pool shall be excluded from this calculation.
- 3.3.7 No accessory building or structure shall be built within two (2) metres of the main building, unless the accessory building is constructed of incombustible materials.
- 3.3.8 Buildings and structures shall not be considered accessory if attached to the main building.
- 3.3.9 Accessory buildings and structures shall not be constructed on lands subject to slope failure or to flooding. Notwithstanding the preceding, boat docks, boat launching facilities and boat houses are permitted on lands subject to flooding, as are those buildings and structures otherwise specifically permitted on such lands by this By-law.
- 3.3.10 Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply to swimming pools:
- (a) No swimming pool shall be located in any front yard;
 - (b) Swimming pools shall not be included in the calculation of maximum coverage;
 - (c) The minimum rear yard depth for a swimming pool shall be 1.5 metres; and
 - (d) The minimum side yard width for a swimming pool shall be 1.5 metres.
- 3.3.11 Tarpaulin garages shall be permitted in all zones.

(By-law 2011-24)

In addition to the other provisions of Section 3, a tarpaulin garage shall be closer to the owner's residence than the neighbouring residence by 3 metres.

(By-law 2008-06)

3.3.12 One accessory building or structure of 9.3 square metres of gross floor area is permissible per lot without a building permit.

(By-law 2011-32)

3.3.13 A private sewage disposal system shall be permitted 3 metres, or as per Ontario Building Code (OBC) requirements, from any street or private road. Notwithstanding, a private sewage disposal system shall be required to meet the provisions of Section 3.29(d) Water Setback.

3.4 AUTOMOTIVE SERVICE STATIONS, GASOLINE BARS AND, COMMERCIAL GARAGES

Where service stations, gasoline bars and commercial garages are permitted in this By-law, the following provisions shall apply in addition to Zone provisions:

- 3.4.1 No portion of any pump island shall be located closer than 6 metres from the street line of any street.
- 3.4.2 The minimum distance from the intersection of two street lines or from straight line projections of such, to the nearest ingress or egress ramp shall be not less than 10.0 metres (i.e. entrance or exit point).
- 3.4.3 The maximum width of a ramp at the street line shall be not more than 10.0 metres and the minimum width not less than 7.5 metres.
- 3.4.4 The minimum distance between ramps shall be not less than 9.0 metres.
- 3.4.5 The minimum interior angle of a ramp to a street line shall be 45.0 degrees and the maximum interior angle of a ramp to the street line shall be 90.0 degrees.
- 3.4.6 The minimum distance between any side lot line of the property at the street line and the nearest ramp shall be 3.0 metres.
- 3.4.7 The area included between ramps, or between ramps and a street line or a property line, as required by this By-law, shall be used for landscaped open space only, to a minimum width of 1.0 metre.

3.5 BUILDINGS TO BE MOVED

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

3.6 CROWN LANDS AND COUNTY FORESTS

Regardless of anything else in this By-law, including the Schedules, Crown Lands and County Forests are not subject to the provisions of this By-law.

3.7 DWELLINGS PER LOT

(By-law 2011-32)

No more than one building used as a dwelling or containing one or more dwelling units shall be erected on any lot, unless stated otherwise in this By-law. Refer also to Section *3.35* Temporary Construction Uses Permitted.

3.8 ENCROACHMENTS ON REQUIRED YARDS

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building permitted elsewhere in this By-law provided, however, that those structures and items listed in the following table shall be permitted to project into the minimum required yards indicated, for the distances specified:

<u>Structure</u>	<u>Yards in Which Encroachment is Permitted</u>	<u>Maximum Projection Permitted into Minimum Required Yard</u>
(a) Sills, belt courses, eaves, gutters, chimneys, bay windows, solar collectors, heat pumps, ventilators, shutters, cornices, parapets, pilasters or other ornamental structures.	All	0.60 metres
(b) Fire escapes exterior staircases	Side and Rear only	1.5 metres
(c) Balconies, steps, unenclosed porches, sundecks, attached solarium, gazebo	Front and Rear only	3 metres
(d) Uncovered paved patios	All	Unlimited
(e) Railway Spur	All	Unlimited
(f) Gate House in any Industrial Zone	Front and Side only	Unlimited
(g) Fences, Hedges, Shrubs, Trees, Flagpoles, Light Standards, Garden Trellises, Clothes Poles and similar structures and appurtenances	All	Unlimited
(By-law 2011-32) *(h) Pedestal Sign	Front and Interior Side	Unlimited*

3.9 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this By-law shall not apply to chimneys, church spires, public buildings, water tanks, elevator enclosures, flag poles, television or radio antennae, electrical transmission facilities, ventilators and skylights.

3.10 GRAVEL PITS, QUARRIES, WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

A gravel pit or quarry, with the exception of a wayside pit or quarry, shall be prohibited in all Zones, except in an Extractive Industrial (EM) Zone. Wayside pits or quarries and portable asphalt plants shall be permitted in all Zones except in a Residential Zone or an Environmental Protection Zone.

Portable asphalt plants must comply with the Ministry of Environment separation distances and must obtain a Certificate of Approval from the Ministry of Environment.

3.11 GROUP HOMES

Group Homes are considered to be residential uses. A provincially licensed and approved group home may be permitted in any permitted single detached dwelling provided that there is no group home or similar facility within 8.0 kilometres of the proposed facility, whether in the Municipality or in an adjacent municipality.

3.12 HOME INDUSTRY

A home industry shall only be permitted in the Rural (RU) Zone provided the following provisions are complied with:

3.12.1 No more than two persons, other than a person(s) residing on the premises, shall be employed in the home industry.

3.12.2 There shall be no external display or advertising other than a non-illuminated sign not more than 0.5 square metres in area.

3.12.3 Such home industry shall not be a hazardous or obnoxious trade, and shall not create or become a public nuisance.

3.12.4 Such home industry is clearly secondary to the main use and does not change the residential character of any dwelling, or the agricultural character of any farm unit.

3.12.5 The parking requirements of this By-law shall apply to any home industry use.

3.12.6 No goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are either:

- (a) incidental to the home industry; or
- (b) arts and crafts produced on the premises; or
- (c) farm produce resulting from the main use.

3.12.7 Not more than 10.0 percent of the gross floor area of the dwelling unit shall be dedicated to the home industry.

3.12.8 Accessory buildings may be erected, altered or used for the purpose of a home industry provided that not more than fifty (50) square metres of the gross floor area of all accessory buildings shall be used for the purpose of a home industry.

3.13 HOME OCCUPATIONS

A home occupation shall be permitted in any Zone provided such home occupation conforms to the following provisions:

3.13.1 The use shall be conducted entirely within the dwelling unit and carried on by person(s) residing in the dwelling unit. One employee, other than a resident of the premises, will be permitted to be employed.

3.13.2 There shall be no external display or advertising other than a non-illuminated sign not more than .3 of a square metre in area, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential.

3.13.3 Not more than 25% of the dwelling unit area shall be used for the purpose of home occupation uses.

3.13.4 Such home occupation shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling unit or premises or any visible evidence of the conduct of a home occupation.

3.13.5 There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

3.13.6 The use shall not require more than two (2) off-street parking spaces for clients or customers of the home occupation in addition to the parking requirements for residential use on the property.

3.13.7 The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the neighbourhood in which it is located.

3.13.8 No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood.

3.13.9 Where instruction is carried on, no more than six (6) pupils are in attendance at any one time.

3.14 LOTS TO FRONT ON STREETS

3.14.1 No person shall erect or use any building or structure on a lot in any zone unless the lot fronts on and has direct access to an improved street being a Provincial Highway, County Road, or Township Road. Vacant lots which directly abut the abandoned former CN railway line shall not be issued building permits because the abandoned rail line is not an improved street.

3.14.2 Exceptions

(a) Limited Service Residential

Notwithstanding the provisions of paragraph 3.14.1 of this subsection, a limited service dwelling may be erected or used on a lot in a Limited Service Residential (LSR) Zone provided such lot fronts along a private road which the subject lot and use are legally entitled to use for access.

(b) Seasonal Residential

Notwithstanding the provisions of paragraph 3.14.1 of this subsection, a seasonal dwelling may be erected or used on a lot in a Seasonal Residential (SR) Zone provided such lot fronts on a seasonally maintained Township Road or is accessed by that section of Basin Depot Road which is seasonally maintained by the Crown.

(c) Hunting and Fishing Camp

A hunting and fishing camp shall not be required to meet the provisions of paragraph 3.14.1.

(d) Resource Land Uses

Notwithstanding the provisions of paragraph 3.14.1 of this subsection, a building or structure accessory to a permitted forestry, farm or mineral exploration use may be erected or used on a lot that has frontage on a seasonally maintained street; this provision shall not be construed so as to permit any type of dwelling.

(e) Registered Plan of Subdivision

Subsections 3.14.1 and 3.14.2 shall not apply to a lot on a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry or Land Titles Office.

(f) Water Access

Notwithstanding the provisions of paragraph 3.14.1 of this subsection, a seasonal dwelling may be erected or used on a waterfront lot that is accessed solely by water subject to the following provisions:

- i) the property owner(s) must provide evidence of mainland parking (public or secured private) and availability of boat launching facilities; and
- ii) a notice will be placed on the building permit stating that access is by water only.

3.15 MADAWASKA RIVER FLOODPLAIN

***(By-law 2007-63)* (OMB File #PL080309)**

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For the area of the Madawaska River Floodplain not covered by Section 3.16 below the following provisions shall apply:

3.15.1 Consistent with Section 2.2(18)(b) Flood Plains – No FDRP (Flood Damage Reduction Program) Mapping Available of the Official Plan of the County of Renfrew, the one-zone approach will be applied, where development (including development on islands) is prohibited in the flood plain.

3.15.2 For existing lots of record, an elevation survey/plan prepared by a professional engineer registered to practice in Ontario, demonstrating the 1:100 year flood elevation is required prior to the issuance of building permits to ensure that the requirements of this section of the by-law are satisfied.

3.15.3 For new lots created through the consent process, an elevation survey/plan prepared by a professional engineer registered to practice in Ontario, demonstrating the 1:100 year flood elevation is required.

3.15.4 For both (ii) and (iii) above, the engineer will prepare a signed, sealed and dated Flood Hazard Report in accordance with the Natural Hazard Technical Guidelines, and a signed, sealed and dated survey plan showing the extent of the flood hazard in relation to the development proposal.

***(By-law 2007-63)* (OMB File #PL080309)**

***3.16 MADAWASKA RIVER FLOODPLAIN – Kamanisseg Lake Section – One Zone and Madawaska River/Negeek Lake Section – Two Zone**

The Madawaska River Floodplain comprises two sections as identified on Schedule A (Map 3); the Kamanisseg Lake Section and the Madawaska River/Negeek Lake Section.

The elevations below are referred to in Canadian Geodetic Survey (GCS) datum. The elevations shall be the existing ground contour elevations. For the purposes of this

section, existing ground contour elevations means the ground contour elevations on the date of the coming into final force and effect of the By-law 2007-63, which was on April 7, 2010.

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to all lands located within the Madawaska River Floodplain.

3.16.1 Kamanisseg Lake Section (One Zone Floodplain – elevation 284.75 metres/934.22 feet)

- (a) For the Kamanisseg Lake Section of the Madawaska River as described in paragraph (b), the Regulatory Flood elevation shall be 284.75 metres (934.22 feet).
- (b) The Kamanisseg Lake Section applies to properties located in the geographic Township of Radcliffe at 870 Ohio Road and westward to the Township boundary.
- (c) No fill shall be permitted below the existing ground contour elevation of 284.75 metres (934.22 feet), except for the replacement of an existing private sewage disposal system. The location of the elevation of 284.75 metres (934.22 feet) shall be determined and marked on the ground of properties to be developed.

The applicant shall submit an elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer with an application for a replacement private sewage disposal system in order to confirm that the bottom of the distribution pipes in the replacement private sewage disposal system is at or above the elevation of 284.25 metres (932.58 feet).

- (d) Except as noted in subsections (e) and (f) below, and with the exception of a boat docking or launching facility, no buildings or structures shall be permitted below the 1 in 100 year regulatory flood level of 284.75 metres (934.22 feet).
- (e) The construction of unenclosed porches, steps and decks, and the construction or enlargement of gazebos shall be permitted without floodproofing on lands located below the elevation of 284.75 metres (934.22 feet).
- (f) An existing dwelling or building located below the elevation of 284.75 metres (934.22 feet) may be enlarged up to 20% of the existing building footprint to a maximum of 28 square metres (301.4 square feet), provided the addition is floodproofed in accordance with the following provisions:
 - (i) All building openings shall be at or above the elevation of 284.75 metres (934.22 feet).

- (ii) Basements and crawl spaces for any additions shall not be permitted below the elevation of 284.75 metres (934.22 feet). Foundation footings shall be designed by a structural engineer with reinforced concrete and be waterproofed.
- (iii) All electrical, heating, ventilation, air conditioning and water supply systems (pumps and pressure tanks) shall be above the elevation of 284.75 metres (934.22 feet); water wells shall be sealed at or below the elevation of 284.75 metres (934.22 feet).

Existing buildings and structures located below the elevation of 284.75 metres (934.22 feet) may be maintained or strengthened to a safe condition.

For the purposes of this subsection, an existing dwelling or building means a dwelling or building that existed as of the date of the coming into final force and effect of By-law 2007-63, which was on April 7, 2010.

A private sewage disposal system shall be permitted to be enlarged in accordance with the requirements of the current Ontario Building Code.

- (g) The applicant shall submit an elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer with an application for a building permit in order to confirm that development is to proceed in accordance with the requirements of this section.
- (h) Access for all new buildings shall be designed to allow for safe vehicular and pedestrian movement during flooding.
- (i) Driveways and parking areas shall be at or above the elevation of 284.4 metres (933.2 feet); the side slopes of the fill shall be at the ratio 1.5 to 1 or less steep, and stabilized with vegetation to reduce erosion.

3.16.2 Madawaska River/Negeek Lake Section (Two Zone Floodplain – elevations 283.75 metres/930.94 feet and 284.75/934.22 feet)

- (a) For the Madawaska River/Negeek Lake Section of the Madawaska River as shown on Schedule A (Map 3), the Floodway Boundary elevation shall be at existing ground elevation 283.75 metres (930.94 feet) and the Regulatory Flood elevation shall be 284.75 metres (934.22 feet).
- (b) In addition to meeting the provisions of this subsection, any new building or structure, or additions, proposed on lands affected by the Ontario Power Generation (OPG) registered flood easement shall be circulated to OPG.

- (c) Except as noted in subsections (e) and (f), and with the exception of a boat docking or launching facility, no buildings or structures, shall be permitted below the floodway boundary elevation of 283.75 metres (930.94 feet).
- (d) Except as noted in subsections (e) and (f), buildings and structures on lands located above the floodway boundary elevation of 283.75 metres (930.94 feet) but below the elevation of 284.75 metres (934.22 feet) are permitted but shall be floodproofed to the 1 in 100 year regulatory flood level of 284.75 metres (934.22 feet).
- (e) The construction of unenclosed porches, steps and decks, and the construction or enlargement of gazebos shall be permitted without floodproofing on lands below the elevation of 284.75 metres (934.22 feet).
- (f) Existing buildings and structures located below the elevation of 284.75 metres (934.22 feet) may be maintained or strengthened to a safe condition.
- (g) The applicant shall submit an elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer with an application for a building permit in order to confirm that development is to proceed in accordance with the requirements of this section. The location of the existing floodway boundary contour line at the elevation of 283.75 metres (930.94 feet) shall be determined and marked on the ground of properties to be developed and on the plot plan by an Ontario Land Surveyor or qualified engineer and shall be reconfirmed after construction of the foundation by an Ontario Land Surveyor or qualified engineer.
- (h) All building openings shall be at or above the elevation of 284.75 metres (934.22 feet).
- (i) Basements and crawl spaces shall not be permitted below the floodway boundary elevation of 283.75 metres (930.94 feet). Basements and crawl spaces proposed between the elevations of 283.75 metres (930.94 feet) and 284.75 metres (934.22 feet) shall be designed by a structural engineer with reinforced concrete construction of walls and floor and be floodproofed.
- (j) All electrical, heating, ventilation, air conditioning and water supply systems (pumps and pressure tanks) shall be above the elevation of 284.75 metres (934.22 feet); water wells shall be sealed at or below the elevation of 284.75 metres (934.22 feet).
- (k) No fill shall be permitted below the floodway boundary elevation of 283.75 metres (930.94 feet) except for the replacement of an existing private sewage disposal system. For the sewage disposal system, a raised bed shall be required with the distribution pipes at or above the elevation of 284.25 metres (932.58 feet). The applicant shall submit an elevation

survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer with an application for a septic permit in order to confirm that development is to proceed in accordance with the requirements of this section.

- (l) Access for all new buildings shall be designed to allow for safe vehicular and pedestrian movement during flooding.
- (m) Driveways and parking areas shall be at or above the elevation of 284.45 metres (933.23 feet); the side slopes of the fill shall be at the ratio 1.5 to 1 less steep, and stabilized with vegetation to reduce erosion.*

3.17 MOBILE HOMES

A mobile home shall only be permitted in the Rural (RU) Zone provided all of the following provisions are complied with:

- (a) A mobile home shall only be permitted on an individual lot;
- (b) Only one (1) mobile home shall be permitted per individual lot;
- (c) A mobile home shall only be permitted on a lot with frontage on an improved street under the jurisdiction of the Municipality.

3.18 NON-CONFORMING USES

3.18.1 Accessory Buildings

Nothing in this By-law shall prevent the erection of a building or structure accessory to an existing legal non-conforming use provided that such accessory building or structure complies with all other relevant provisions of this By-law.

3.18.2 Continuation of Existing Uses

Nothing in this By-law shall 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 passing of the By-law, so long as it continues to be used for that purpose.

3.18.3 Repair of Existing Buildings

If a non-conforming building or structure should be damaged by fire, flood, wind, earthquake or other natural occurrence beyond the owner's control, nothing in this By-law shall prevent such a building from being restored and strengthened to a safe condition, provided the height, size or volume is not increased and provided that reconstruction or restoration is commenced within twelve months and

completed within twenty-four months of the date on which the damage took place.

3.18.4 Enlargements to Existing Undersized Lots

Nothing in this By-law shall prevent an undersized lot that was held in separate ownership from adjoining parcels on the date of passage of this By-law or that was created by expropriation subsequent to the passage of this By-law from being enlarged even if the enlargement does not result in a lot that meets the minimum frontage and/or area required by this By-law. Nothing in this By-law shall prevent such a lot from being used for a purpose permitted in the Zone in which the lot is located provided that:

- (a) where the development is on private services, the lot is of an adequate size for water supply and sewage disposal systems approved by the Ministry of the Environment and Energy and/or its agents; and
- (b) where the development is on private services, the enlargement, reconstruction, repair or renovation satisfies the requirements of the applicable approval authority for the subject private services;
- (c) an undersized lot is not reduced further in size or created as a result of the proposed development; and
- (d) all other applicable provisions of this By-law are complied with.

3.18.5 Existing Buildings with Inadequate Lot or Yard Size

Where a building has been erected prior to the date of passing of this By-law and where such building has less than the minimum required lot area, lot frontage, side yard, front yard or rear yard, said building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) such enlargement, reconstruction, repair or renovation does not further contravene any provisions of this By-law;
- (b) where the development is on private services the enlargement, reconstruction, repair or renovation satisfies the requirements of the applicable approval authority for the subject private services; and
- (c) all other applicable provisions of this By-law are complied with.

3.18.6 Less than Required Floor Area

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling which existed at the time of passing of this By-law but which has a floor area or dwelling unit area less than that required by this By-law, provided such extension or addition does not contravene any other provisions of this By-law.

3.18.7 Undersized Vacant Lots

Where a lot with less than the minimum frontage or lot area required by this By-law was held in separate ownership from adjoining parcels on the date of passage of this By-law, or where a lot was created by expropriation subsequent to the date of passage, such undersized vacant lot may be used for a purpose permitted in the Zone in which the said lot is located, provided that:

- (a) all other applicable provisions of this By-law are complied with;
- (b) written approvals for the water supply and sewage disposal systems are obtained from the applicable approval authority for the proposed services; and

This provision shall not apply to a home industry, a forestry use, a farm or a logging hauler in the RU zone.

3.18.8 Prior Building Permits

Nothing in this By-law shall prohibit the erection of a building or structure for which a building permit has been issued prior to the date of passing of the By-law provided that the building permit has not been revoked under the Building Code Act.

3.19 NOXIOUS USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under the Health Protection and Promotion Act and Regulations thereunder, and the Environmental Protection Act and Regulations thereunder. Noxious uses do not include normal farm operations using commercial fertilizers and manure, the spraying of crops with herbicides, insecticides, and pesticides, or the use of heavy machinery for farm purposes.

3.20 OCCUPANCY OF INCOMPLETE BUILDINGS

No dwelling shall be occupied before the kitchen, heating and sanitary conveniences have been installed and rendered usable, and before the exterior has been weatherproofed.

3.21 OCCUPANCY OF VEHICLES

No truck, bus, coach, vehicle, recreational vehicle or trailer shall be used as a primary residence for permanent human habitation within the Municipality whether or not the same is mounted on wheels.

By-law 2011-32

3.21.1 A recreational vehicle or trailer is permitted on a vacant waterfront lot subject to the following provisions:

- i) it is permitted for a period of 3 years; and
- ii) a sewage system must be approved by the Municipality's Sewage System Authority.

Existing trailers are exempt from these provisions. Documentation may be required to provide evidence of when the trailer was located on the property.

By-law 2011-32

*3.21.2 A recreational vehicle or trailer is permitted on a vacant non-waterfront lot in the Rural (RU) Zone subject to the following provision:

- i) a sewage system must be approved by the Municipality's Sewage System Authority.*

3.22 OPEN STORAGE

Open storage shall be permitted in any Zone except the Environmental Protection (EP) Zone in accordance with the following provisions:

3.22.1 Open storage shall be accessory to a permitted or existing non-residential use on the same lot.

3.22.2 No open storage shall be permitted in any required minimum front yard or required exterior side yard, except in the case of an agricultural use, nor within any required minimum side or rear yard where the side or rear lot lines abut a property used for residential purposes or a property in the Community Facility (CF) Zone.

3.22.3 Wherever it is necessary, visual screening such as plant materials, a buffer strip, a berm, fencing or other opaque barrier to a minimum height of 1.5 metres shall be used. Exceptions to this provision are for open storage accessory to an agricultural use or for outdoor display used in conjunction with a permitted commercial use.

3.22.4 A strip of landscaped open space with a minimum width of 3 metres shall be maintained around all open storage areas.

3.22.5 Any open storage area shall be surfaced and maintained with stable materials to prevent the raising of dust and particles and shall be properly drained. However, this provision shall not apply where the main use is an agricultural use.

3.22.6 No parking spaces or loading spaces required by this By-law shall be used for open storage purposes.

3.23 OUTDOOR FURNACES

Outdoor furnaces are permitted in all Zones other than the Residential One (R1), Residential Two (R2), Limited Service Residential (LSR), Seasonal Residential (SR) and Commercial (C) Zones. Where outdoor furnaces are permitted, they shall be located a minimum of 50 metres from a lot line and 100 metres from an existing dwelling on a separate lot. Where an outdoor furnace is located more than 50 metres but less than 200 metres from a lot line, the smoke stack of the outdoor furnace shall be higher than the highest building it serves.

3.24 PARKING AND LOADING SPACE REQUIREMENTS

3.24.1 PARKING REQUIREMENTS

(By-law 2009-91) **

*(a) Number of Spaces

In any Zone the owner of every building hereafter erected, enlarged or changed in use after the passing of this By-law shall provide and maintain off-street parking space in accordance with the following:

<u>Type of Use</u>	<u>Minimum Parking Required</u>
i) Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling and Two Unit Dwelling	2 parking spaces per dwelling unit
ii) Triplex Dwelling, Three Unit Dwelling, Four Unit Dwelling, Apartment Dwelling and Multiple Attached Dwelling	1.5 parking spaces per dwelling unit
iii) Group Home	1 parking space per each 3 persons licensed or approved capacity
iv) Boarding House	1 parking space plus 1 parking space per every 3 beds

v)	Bank or Trust Company	1 parking space per 28 square metres gross leasable area
vi)	Bed and Breakfast	1 parking space per dwelling unit and 1 parking space for each room rented
vii)	Tavern, Public House	1 parking space per 4 persons design capacity
viii)	Church, Assembly Hall	The greater of 1 parking space per 10 square metres of gross floor area or per every 4 fixed seats or per every 2.5 metres of bench space
ix)	Place of Entertainment/ recreation facility including arena, auditorium, recreation centre, theatre, tennis club, stadium, racquet club, cinema, fitness club, fairgrounds	1 parking space per every 6 persons of maximum design capacity
x)	Hospital, Nursing Home Home for the Aged, Senior Citizens Home	1 parking space per 2 beds
xi)	Hotel	1 parking space per guest room plus 1 parking space per 10 square metres of public use area
xii)	Industrial Establishment	1 parking space per 100 square metres of gross floor area
xiii)	Clinic	1 parking space per 25 square metres of gross floor area
xiv)	Motel	1 parking space per guest room
xv)	Office (Business/Professional)	1 parking space per 33 square metres of gross leasable area
xvi)	Eating Establishment	1 parking space per 10 square metres of gross leasable floor area
xvii)	Eating Establishment, Take Out	2 parking spaces plus 1 parking space per 15 square metres of gross

		leasable area (In the case of a mobile food vehicle, 2 parking spaces)
xviii)	Retail, General including Convenience Store and Personal Service Shop	1 parking space per 50 square metres of floor area
xix)	School	Elementary – 3 parking spaces plus 1.5 parking spaces per classroom Secondary – 6 parking spaces plus 3 parking spaces per classroom
xx)	Shopping Centre	1 parking space per 25 square metres of gross leasable area
xxi)	Shopping Plaza	1 parking space per 25 square metres of gross leasable area
xxii)	Other Non-Residential Uses	1 parking space per 30 square metres of gross floor area*

(b) Calculation of Spaces

If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.

(By-law 2009-91)

(c) Location of Parking Areas

In all zones, the required parking shall be located on the same lot therewith except in the Commercial (C) Zone, the parking area *may also be located within 300 metres* of the location of the use it is intended to serve and shall be secured and retained for parking purposes for the duration of the use. This may include public parking.

(d) Yard Where Permitted

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback in accordance with the following:

<u>Zones</u>	<u>Required Yards in which Required Parking Area Permitted</u>
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- | | | |
|----|-------------------|---|
| i) | Residential Zones | All yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line and |
|----|-------------------|---|

provided further that a parking area for a Residential use containing three or more dwelling units is located in the rear yard only.

- ii) General Industrial Interior side and rear yards only except for visitor parking provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any streetline and further provided that where the Industrial zone abuts a Residential Zone, the parking area shall be set back 3.0 metres from the lot line.
- iii) Disposal Industrial, Extractive Industrial No yards except for the driveway portion of a parking area
- iv) Other Zones All yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any streetline. Where the subject zone abuts a Residential zone, the parking area shall be set back 3.0 metres from the lot line.

(e) Surface and Drainage

- (i) The parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface.
- (ii) Where more than 4.0 parking spaces are required, the surface treatment shall prevent the raising of dust or loose particles.
- (iii) Provision for drainage facilities shall be made in compliance with the requirements of the Municipality.

(f) Access to Parking Spaces and Parking Areas

- (i) Every parking space shall be provided with unobstructed access to a street by a driveway aisle or lane, except where such spaces are provided for the use of occupants of a single detached or semi-detached dwelling.
- (ii) Access to parking areas for commercial or industrial uses shall not pass through a Residential Zone.

(g) Dimensions of Parking Spaces

Every required parking space shall have minimum rectangular dimensions of 2.7 metres by 5.5 metres.

(By-law 2009-91)***(h) Waiting Lane / Queuing Lane**

A waiting lane for eating establishments shall be provided which lane is capable of accommodating 7 vehicles before the order board and 4 vehicles between order and pickup windows. The individual waiting space for each vehicle shall be an area of not less than 14.85 square metres, measuring 2.7 metres by 5.5 metres.*

3.24.2 LOADING REQUIREMENTS**(a) Uses Where Applicable**

No person shall, in any Zone, erect or use any permitted building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other permitted uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such structure or use, off-street space for standing, loading and unloading.

(b) Dimensions of Loading Spaces

Every required loading space shall have minimum rectangular dimensions of 3.5 metres by 9.0 metres with a minimum height clearance of 4.0 metres.

(c) Minimum Number of Loading Spaces

This requirement does not apply to buildings and structures having less than 300 square metres of total floor area. For all other buildings, there shall be one loading space for every 1500 square metres of floor area or part thereof, above the 300 square metre threshold.

(d) Location

The loading space required shall be located in the interior side yard or rear yard unless set back a minimum distance of 16 metres from the street line.

(e) Surfacing

The loading space and approaches shall be surfaced with concrete, asphalt, crushed stone or gravel.

(By-law 2011-32)***3.25 PEDESTAL SIGNS**

Pedestal Signs are permitted in the Commercial (C) and Highway Commercial (HC) Zones only and are subject to the encroachment provisions of Section 3.8 of this By-law.*

3.26 PROPANE TANKS

Propane tanks shall be permitted in any Zone but shall be located in the rear yard only and shall be built no closer than 3.0 metres to a side or rear lot line. In the case of a corner lot, the propane tank shall not be permitted in the exterior side yard.

For a waterfront lot, the following provisions shall apply:

- i) a propane tank may be permitted in the front yard but not the required front yard;
- ii) a propane tank must meet the minimum water setback.

3.27 PUBLIC SERVICES

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of a public service by the Municipality or any local board thereof defined by the Municipal Affairs Act, by any telephone, gas, electrical generating or distribution company, communications company, or by any department or agent of the Government of Ontario or Canada, provided that:

- (a) With the exception of a public utility, the lot coverage, parking and loading, setback and yard requirements prescribed for the Zone in which such land, building or structure is located shall be complied with; and
- (b) No goods, material, or equipment shall be stored in the open in a Residential Zone; and
- (c) Any building erected in a Residential Zone or in a Zone which permits residential uses under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in the Zone.

3.28 SENSITIVE LAKES

- (a) Highly Sensitive Lakes

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to all lands bordering and adjacent to Kamaniskeg Lake (North Basin) and Wadsworth Lake as shown on Schedule "A":

- (i) No new lots with lakeshore frontage or second-tier development shall be created either by means of consent or through plan of subdivision.

Notwithstanding the above, some limited development may be permitted provided that a detailed Environmental Impact Study (EIS), prepared in accordance with the requirements of the County of Renfrew Official Plan, can demonstrate that no negative impacts will result from the development

proposal. In some instances, the Ministry of Natural Resources and the Ministry of the Environment may be consulted for technical advice.

- (ii) 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.

Notwithstanding the above, some limited development may be permitted provided that a detailed Environmental Impact Study (EIS), prepared in accordance with the requirements of the County of Renfrew Official Plan, can demonstrate that no negative impacts will result from the development proposal. In some instances, the Ministry of Natural Resources and the Ministry of the Environment may be consulted for technical advice.

- (iii) No new multiple dwellings for rent or lease shall be permitted on an existing developed parcel of land with lakeshore frontage.

Notwithstanding the above, some limited development may be permitted provided that a detailed Environmental Impact Study (EIS), prepared in accordance with the requirements of the County of Renfrew Official Plan, can demonstrate that no negative impacts will result from the development proposal. In some instances, the Ministry of Natural Resources and the Ministry of the Environment may be consulted for technical advice.

- (iv) 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 an individual lot.
 - ii. A minimum water setback of 30 metres shall be provided for all buildings, structures and excavations. An exception, where an existing lot has less than 46 metres in depth, then the minimum water setback shall be 20 metres.
 - iii. No buildings or structures, nor the placing or removal of fill of any kind, whether it originates on the site or elsewhere, shall be permitted in the area of the water setback, except where such buildings, structures or fill are intended for flood or erosion control.
- (v) Boat docks or boat launching facilities shall not be required to meet the provisions of this subsection. A boat house shall be required to meet the minimum water setback.

(b) Moderately Sensitive Lakes

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to all lands bordering and adjacent to Bark Lake, Carson Lake, Diamond Lake, Paugh Lake and Trout (Stubbs) Lake as shown on Schedule "A":

- (i) No more than one single detached dwelling shall be permitted on an individual lot.
- (ii) A minimum water setback of 30 metres shall be provided for all buildings, structures and excavations. An exception, where an existing lot has less than 46 metres in depth, then the minimum water setback shall be 20 metres.
- (iii) No buildings or structures, nor the placing or removal of fill of any kind, whether it originates on the site or elsewhere, shall be permitted in the area of the water setback, except where such buildings, structures or fill are intended for flood or erosion control.
- (iv) Boat docks or boat launching facilities shall not be required to meet the provisions of this subsection. A boat house shall be required to meet the minimum water setback.

3.29 SEPARATION DISTANCES(a) Dwellings

- i) No dwelling, senior citizens home, nursing home, school, hospital or other institutional use shall be erected within the minimum distance from a livestock facility required by the Minimum Distance Separation I (MDS I) formulae. Existing lots of record are exempt from this provision.

(By-law 2011-32)* *

- *ii) No dwelling shall be erected within 60 metres of any Industrial Zone or Industrial-Holding Zone, except as further provided below in subsection (iii) for Extractive Industrial (EM) and Extractive Industrial Reserve (EMR) Zones and existing lots of record.*
- iii) No dwelling, senior citizens home, nursing home, school or hospital shall be erected within 150 metres of any Extractive Industrial (EM) or Extractive Industrial Reserve (EMR) Zone. Existing lots of record are exempt from this provision.
- iv) No dwelling, senior citizen home, nursing home, school or hospital shall be erected within 300 metres of a quarry.

- v) No dwelling shall be erected within 200 metres of a hauled sewage disposal site, unless it is the owner's dwelling in which case the required separation distance shall be 60 metres.
 - vi) No dwelling shall be erected within 60 metres of any animal hospital or kennel if such hospital or kennel has more than four outdoor runs or more than 30 square metres of total area of outdoor facilities for animals.
 - vii) No dwelling shall be erected within 500 metres of either an active or inactive waste disposal site.
- (b) Gravel Pits, Quarries and Associated Extractive and Manufacturing Plants and Facilities
- i) No concrete or asphalt manufacturing plant or extractive industrial facility shall be located within 50 metres of any high water mark.
 - ii) No concrete or asphalt manufacturing plant shall be located within 300 metres of a dwelling, a school, an institution with a residential component or land restricted to residential use in a by-law passed under Section 34 of the Planning Act. Notwithstanding the foregoing, where an operator possesses a valid Certificate of Approval for a particular asphalt plant, the required separation distance shall be as established by that Certificate.
 - iii) No gravel pit shall be located within 150 metres of an existing dwelling.
 - iv) No quarry shall be located within 300 metres of an existing dwelling.
- (c) Livestock Facilities and Manure Storage Areas
- No livestock facilities or manure storage areas shall be located within the minimum distance from residential uses, schools, hospitals and other institutional uses required by the Minimum Distance Separation II (MDS II) formulae.
- (d) Animal Hospital, Kennel
- No animal hospital or kennel shall locate within 60 metres of any residential building on another lot.
- (e) Hauled Sewage Disposal Site
- No disposal of hauled sewage shall be permitted unless the disposal site has been approved by the Ontario Ministry of the Environment and no disposal site shall be located within:
- i) 200 metres of any dwelling on another lot;

- ii) 750 metres of any subdivision or land zoned for residential development;
- iii) 150 metres of any uncased well;
- iv) 75 metres of any well with a casing depth of 6.0 metres or less;
- v) 180 metres of any surface water;
- vi) 60 metres of the right-of-way of any road;
- vii) 60 metres of any land used for livestock pasturing.

(f) Waste Disposal Site

No waste disposal site shall be located within 500 metres of a residential dwelling or structure.

3.30 SETBACKS

No person shall erect any building or structure in any Zone unless such building or structure conforms to the following setback requirements:

(a) Provincial Highway

Any development which is to occur adjacent to a Provincial highway shall be carried out in accordance with the setback requirements, access and building permit controls of the Ministry of Transportation. Any proposed access to the highway will be subject to the prior approval of the Ministry of Transportation.

(b) County Road

Any development which is to occur adjacent to a County Road shall be carried out in accordance with the setback requirements, access and building permit controls of the County of Renfrew Public Works and Engineering Department. Any proposed access to the road will be subject to the prior approval of the County of Renfrew.

(c) Other Road

The setback requirement shall be 10 metres from the road centreline plus the minimum front yard depth required for such use in the Zone where it is located. Any proposed access to the road will be subject to the prior approval of the Township of Madawaska Valley.

(d) Water Setback

These provisions do not apply to sensitive lakes. Please refer to the Sensitive Lakes provisions in Section 3.26 of this By-law.

A minimum water setback of 30 metres for all buildings and structures, including private sewage disposal systems, from the high water mark shall be provided for lakes and rivers. For all other watercourses, a minimum water setback of 15 metres from the high water mark shall be provided. Accessory boat docking, boat launching facilities and boat houses shall not be required to meet the water setback.

For an existing lot of record which has less than 46 metres of lot depth, the minimum water setback shall be 20 metres. For the purposes of this subsection, lot depth is the average distance between the front and rear lot lines.

For an existing lot of record situated between two existing dwellings separated by not more than 100 metres, the minimum water setback may be reduced to the building line established by the two existing dwellings, provided that it shall not be less than 15 metres from the high water mark.

Additions or enlargements are permitted to existing buildings and structures but must not be closer than the water setback of those existing buildings and structures existing as of the date of passing of this By-law.

(e) Established Building Line in Built-Up Areas

Notwithstanding the yard and setback provisions of this By-law, where there is an established building line extending on both sides of the lot, a permitted building or structure may be erected closer to the street line and street centre line than required by the yard and setback provisions, provided that such permitted building or structure is not erected closer to the street line than the established building line on the date of passing of this By-law.

(By-law 2008-06)

***3.31 SLEEP CABIN**

One Sleep Cabin shall be permitted as an accessory detached use to a main permitted dwelling which has water frontage on a lake or river. The following provisions shall apply to the sleep cabin:

- a) no more than 2 rooms exclusive of the washroom are permitted;
- b) no cooking facilities are located in the building;
- c) any washroom facilities located in the building are to be connected to the existing septic system or have an approved independent system.
- d) the gross floor area does not exceed 25 square metres;
- e) the lot has a minimum area of 0.8 hectares;

- f) the building consists of a single storey and the height of the building does not exceed 5.0 metres; and
- g) the building complies with all the setbacks that apply to the principal building on the lot.*

3.32 STANDARDS - CUMULATIVE

- (a) Unless permitted elsewhere in this By-law, where a lot contains more than one use, the lot area requirements shall be the sum of the requirements for the separate uses thereof but the lot frontage requirements shall be no less than the greater of the lot frontage requirements for each individual use in the Zone where such lot is located.
- (b) When a building, structure or lot accommodates more than one use, loading space requirement and parking space requirement for each building, structure or lot shall be the sum of the requirements for the separate uses thereof unless exempted elsewhere in this By-law.

3.33 STORAGE OF LIQUID MANURE, HAULED SEWAGE OR SEWAGE SLUDGE

No facility for the storage of liquid manure, hauled sewage or sewage sludge shall be erected, used or altered except in accordance with the following provisions:

- (a) The storage facility shall be constructed of materials that are durable and stable and that do not afford passage of the contents;
- (b) The storage facility shall have,
 - i) walls that extend 2.0 metres or more above the surrounding grade level, or
 - ii) walls that extend 0.3 metres above the surrounding grade level and have a solid cover, or a minimum 0.7 metre extension of the walls, that completely seals the facility from human entry; or
 - iii) be an inground facility that is situated below and totally enclosed by a livestock barn;
- (c) Notwithstanding item (b), preceding, a lagoon may be used for the storage of liquid manure, hauled sewage or sewage sludge provided that,
 - i) it is approved under all appropriate provincial legislation and regulations; and
 - ii) it is designed, constructed and maintained in accordance with all governing By-laws of the Municipality.

3.34 STORAGE TRAILERS

Trailers used for storage, such as tractor trailers and railway cars, shall only be permitted in the following zones: Commercial (C), Highway Commercial (HC), Tourism Commercial (TC), General Industrial (GM), Extractive Industrial (EM), Extractive Industrial Reserve (EMR), Disposal Industrial One (DM1), Disposal Industrial Two (DM2), and Rural (RU) Zones.

3.35 TEMPORARY CONSTRUCTION USES PERMITTED

Nothing contained in this By-law shall prevent the erection or location of any sheds, scaffolds, or other structures (including trailers or recreational vehicles) incidental to building construction on the premises for so long as the same is necessary for work in progress which has neither been finalized, nor abandoned.

Notwithstanding subsection 3.7 DWELLINGS PER LOT to the contrary, on a lot having a residential use, where new construction of a dwelling is proposed, and where a written agreement between the owner and the Corporation for its removal is implemented, the existing dwelling may be used as temporary accommodation only for the time period when new construction is in progress. The existing dwelling, used as temporary accommodation, shall be removed from the lot within 30 days of occupancy of the replacement building.

3.36 THROUGH LOTS

Where a lot which is not a corner lot has frontage on more than one street, the requirements for front yards contained in the By-law shall apply to each yard abutting the street.

3.37 VISIBILITY AT INTERSECTIONS

- (a) At the intersection of any two streets, no building, or structure shall be erected, no landscaping materials shall be allowed to grow, no land shall be graded and no vehicle shall be parked above the height of .75 metres above the centreline grade of such streets, so as to materially impede the vision of the operator of a vehicle on the street, within the triangular area bounded by the lot lines to a distance of 6.0 metres from the points of intersection of the corner lot lines, or of the projection of the corner lot lines, or within such area required according to the standards of the Ministry of Transportation.
- (b) At the intersection of a street and a railway right-of-way, the vision of the operator of a motor vehicle shall be unimpeded, as described above, within the triangular area bounded by the lot lines to a distance of 23.0 from the points of intersection of the street lot line and the railway lot line.

- (c) At all intersections involving a Provincial highway, the requirements of the Ministry of Transportation regarding visibility triangles shall apply.

SECTION 4.0 - ZONE CLASSIFICATIONS, EXCEPTION ZONE PROVISIONS**4.1 ZONE CLASSIFICATIONS**

For the purpose of this By-law, the following zones are established as shown on the Schedules (Zoning Maps) attached to this By-law.

<u>Zones</u>	<u>Zone Symbol</u>
(a) Residential Zones	
i) Residential One	R1
ii) Residential Two	R2
iii) Limited Service Residential	LSR
iv) Seasonal Residential	SR
(b) Commercial Zones	
i) Commercial	C
ii) Highway Commercial	HC
iii) Tourism Commercial	TC
(c) Industrial Zones	
i) General Industrial	GM
ii) Extractive Industrial	EM
iii) Extractive Industrial Reserve	EMR
iv) Disposal Industrial One	DM1
v) Disposal Industrial Two	DM2
(d) Additional Zones	
i) Rural	RU
ii) Community Facility	CF
iii) Environmental Protection	EP
iv) Provincially Significant Wetlands	PSW
v) Areas of Natural and Scientific Interest	ANSI
vi) Open Space	OS
vii) Suburban Reserve	SUR

4.2 EXCEPTION ZONES

Where a Zone classification is followed by the numbered suffix "-Exception One", this denotes the further classification as an Exception Zone. The corresponding Zone symbol suffix is "-E1". Additional Exception Zones within the same zone classification are numbered consecutively (i.e. Highway Commercial - Exception One (HC-E1), Highway Commercial – Exception Two, etcetera).

Exception Zone provisions are listed separately under the applicable Zone classification requirements sections in the text of this By-law. All provisions of this By-law will apply equally to the respective Exception Zone classification, except as otherwise specified by the Exception Zone provisions.

For the purpose of this By-law, Exception Zones are established as shown on the Schedule(s) (Zoning Maps).

4.3 HOLDING PROVISIONS

Any parcel of land zoned for residential, commercial or industrial development where the principle of development has been established (i.e. R1, HC, R2) may be further classified as a holding zone with the addition of the suffix "-h". Certain criteria for development (i.e. phasing, financial considerations, geotechnical studies, access etc.) must be met to the satisfaction of Council prior to the removal of the holding provision.

Under this holding Zone, interim and passive uses such as open space and conservation will be permitted. Uses existing at the time of passing of the By-law will also be permitted. When the holding provision is removed these uses would no longer apply. The individual residential, commercial or industrial Zone provisions (i.e. R1, R2, HC, etc.) as the case may be would then apply.

The removal of the holding provisions shall require an amendment to this By-law. No public participation with mechanism for appeal shall be required where the principle of development has been established.

SECTION 5.0 - REQUIREMENTS FOR RESIDENTIAL ONE (R1) ZONE**5.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any R1 Zone except for:

(a) Residential Uses

- single detached dwelling
- group home

(By-law 2008-06)

- *attached dwelling unit*

(c) Non-Residential Uses

- private park
- public park

5.2 ZONE PROVISIONS

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

(a) Lot Area (minimum):

- | | | |
|------|---|--------------------|
| i) | on municipal water and municipal sewer | 465 square metres |
| ii) | on municipal water or municipal sewer | 2025 square metres |
| iii) | on private well and private septic system | 4050 square metres |

(b) Lot Frontage (minimum)

- | | | |
|------|---|-------------|
| i) | on municipal water and municipal sewer | 15.5 metres |
| ii) | on municipal water or municipal sewer | 30 metres |
| iii) | on private well and private septic system | 30 metres |

(c) Water Frontage (minimum) 45 metres

(d) Front Yard Depth (minimum)

- | | | |
|-----|--|------------|
| i) | on municipal water and municipal sewer | 6.0 metres |
| ii) | on municipal water or municipal sewer | 6.0 metres |

- | | | |
|------|--|---|
| iii) | on private well and private septic system | 7.5 metres |
| (e) | Interior Side Yard Width (minimum) | |
| i) | on municipal water and municipal sewer | 1.5 metres |
| ii) | on municipal water or municipal sewer | 3.0 metres one side
1.0 metre other side |
| iii) | on private well and private septic system | 3.0 metres |
| (f) | Exterior Side Yard Width (minimum) | |
| i) | on municipal water and municipal sewer | 6.0 metres |
| ii) | on municipal water or municipal sewer | 6.0 metres |
| iii) | on private well and private septic system | 7.5 metres |
| (g) | Rear Yard Depth (minimum) | 7.5 metres |
| (h) | Dwelling Unit Area (minimum) | 55 square metres |
| (i) | Lot Coverage (maximum) | |
| i) | on municipal water and municipal sewer | 44% |
| ii) | on municipal water or municipal sewer | 44% |
| iii) | on private well and private septic system | 33% |
| (j) | Building Height (maximum) | 10.5 metres |
| (k) | Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law. | |
| (l) | Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law. | |
| (m) | Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law. | |
| (n) | Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law. | |
| (o) | Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provisions of this zone to the contrary, Uses, Buildings and Structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the | |

requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

5.3 EXCEPTION ZONES

(a) Residential One – Exception One (R1-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E1 Zone within part of Lot 182, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, and more particularly described as Parts 2 and 3 on Reference Plan 49R-12985, the following provisions shall apply:

- i) Every application for a building permit shall be accompanied by a plan drawn to scale showing:
 - i. the dimensions of the lot;
 - ii. the location of all existing buildings, structures and uses on the lot; and
 - iii. the proposed location of any building, structure or use proposed for the lot, and the location thereof in relation to the water setback prescribed by this By-law.
- ii) This property consists of unconsolidated fill material and has a high water table. Therefore, geotechnical advice on foundation construction is important. Prior to the approval of a building application and issuance of a building permit, residential foundations shall be designed and certified by a qualified geotechnical engineer and all construction shall proceed in accordance with the approved design.

(b) Residential One – Exception Two (R1-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E2 Zone within part of Lot 182, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, and more particularly described as Part 1 on Reference Plan 49R-12985, the following provisions shall apply:

- i) Every application for a building permit shall be accompanied by a plan drawn to scale showing:
 - i. the dimensions of the lot;
 - ii. the location of all existing buildings, structures and uses on the lot; and

iii. the proposed location of any building, structure or use proposed for the lot, and the location thereof in relation to the water setback prescribed by this By-law.

ii) This property consists of unconsolidated fill material and has a high water table. Therefore, geotechnical advice on foundation construction is important. Prior to the approval of a building application and issuance of a building permit, residential foundations shall be designed and certified by a qualified geotechnical engineer and all construction shall proceed in accordance with the approved design.

iii) For the purposes of the R1-E2 Zone, the minimum water setback shall be 7.5 metres.

(c) Residential One – Exception Three (R1-E3) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E3 Zone within part of Lot 85, Registered Plan No. 184, geographic Township of Sherwood, former Village of Barry's Bay, a garage may be constructed prior to the establishment of the main building on the lot. The minimum front yard depth for the garage shall be 0.6 metres.

(d) Residential One – Exception Four (R1-E4) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E4 Zone within part of Lot 180, Range B North, geographic Township of Sherwood, former Village of Barry's Bay, being Lot 158 in Registered Plan No. 215 and with a civic address of 12 Paugh Lake Road, the following provisions shall apply:

i)	Minimum Lot Frontage	15 metres
ii)	Minimum Front Yard Depth	4 metres
iii)	Minimum Side Yard Depth on the North Side	1 metre

(e) Residential One – Exception Five (R1-E5) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E5 Zone within part of Lot 20, Registered Plan No. 549 and part of Lots 152 and 153, Range B South, geographic Township of Jones, the minimum lot frontage shall be 22.5 metres.

(f) Residential One – Exception Six (R1-E6) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E6 Zone within part of Lot 3, Registered Plan No. 308 in part of Lot 15, Concession 3, geographic Township of Burns, and more particularly

described as Part 1 on Reference Plan 49R-15254, the minimum lot area shall be 3200 square metres.

(g) Residential One – Exception Seven (R1-E7) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E7 Zone within part of Lot 30, Concession 3, geographic Township of Sherwood, with a civic address of 287 Bleski Road, an accessory garage not exceeding 70 square metres is permitted to be constructed with a minimum front yard depth of 0.9 metres.

(h) Residential One – Exception Eight (R1-E8) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E8 Zone within part of Lots 4 and 5, Concession 8, geographic Township of Radcliffe, the minimum lot area shall be 2.9 hectares.

(i) Residential One – Exception Nine (R1-E9) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E9 Zone within part of Lots 4 and 5, Concession 8, geographic Township of Radcliffe, the minimum lot area shall be 10.5 hectares.

(j) Residential One – Exception Ten (R1-E10) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E10 Zone within part of Lots 4 and 5, Concession 8, geographic Township of Radcliffe, the minimum lot area shall be 9.0 hectares.

(k) Residential One – Exception Eleven (R1-E11) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E11 Zone within part of Lots 4 and 5, Concession 8, geographic Township of Radcliffe, the minimum lot area shall be 1.0 hectares.

(l) Residential One – Exception Twelve (R1-E12) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E12 Zone within part of Lots 4 and 5, Concession 9, geographic Township of Radcliffe, the following provisions shall apply:

i) Permitted Uses

i. Residential Uses:

- single detached dwelling
- residential uses existing as of June 2, 1997
- uses, buildings and structures accessory to the foregoing permitted uses

- ii. Non-Residential Uses:
 - prohibited

- ii) Water Frontage (minimum)

The water frontage existing as of June 2, 1997.

- (m) Residential One – Exception Thirteen (R1-E13) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E13 Zone within part of Lot 5, Concession 9, geographic Township of Radcliffe, the following provisions shall apply:

- i) Permitted Uses

- i. Residential Uses:
 - single detached dwelling
 - residential uses existing as of June 2, 1997
 - uses, buildings and structures accessory to the foregoing permitted uses
- ii. Non-Residential Uses:
 - prohibited

- ii) Lot Area (minimum) 4.0 hectares

- (n) Residential One – Exception Fourteen (R1-E14) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E14 Zone within part of Lot 5, Concession 9, geographic Township of Radcliffe, the following provisions shall apply:

- i) Permitted Uses

- i. Residential Uses:
 - single detached dwelling
 - residential uses existing as of June 2, 1997
 - uses, buildings and structures accessory to the foregoing permitted uses
- ii. Non-Residential Uses:
 - prohibited

- ii) Lot Area (minimum) 6500 square metres

(o) Residential One – Exception Fifteen (R1-E15) Zone

Notwithstanding any other provisions of this By-law to the contrary, for lands located in the R1-E15 Zone on the Schedules to this By-law, no person shall erect any building or structure, including a private sewage disposal system, except in accordance with the following provision:

Water Setback (minimum)	20 metres
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(p) Residential One – Exception Sixteen (R1-E16) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E16 Zone within part of Lot 5, Concessions 5 and 6, geographic Township of Radcliffe, the minimum water setback shall be equal to the existing setbacks of the dwellings on those properties. Additions or enlargements to these dwellings are permitted provided the additions or enlargements do not further encroach upon the existing water setback.

(q) Residential One – Exception Seventeen (R1-E17) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E17 Zone within part of Lot 18, Concession 11, geographic Township of Radcliffe, and more particularly described as Parts 7 and 9 on Reference Plan 49R-14396, no buildings or structures are permitted. The only permitted use of the land is for vehicle access purposes.

(r) Residential One – Exception Eighteen (R1-E18) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E18 Zone within part of Lot 18, Concession 11, geographic Township of Radcliffe, and more particularly described as Part 3 on Reference Plan 49R-14396, no person shall erect any building or structure, including a private sewage disposal system, except in accordance with the following provision:

Water Setback (minimum)	15 metres
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(s) Residential One – Exception Nineteen (R1-E19) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E19 Zone with part of Lot 8, Concession 9, geographic Township of Radcliffe, a bed and breakfast establishment shall be a permitted use.

(t) Residential One – Exception Twenty (R1-E20) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E20 Zone within part of Lots 9 and 10, Concession 9, part of

Lots 11, 12 and 13, Concession 10 and part of Lots 12 and 13, Concession 11, geographic Township of Jones, the following provisions shall apply:

i) Permitted Uses

- i. Residential Uses:
 - single detached dwelling
 - group home
- ii. Non-Residential Uses:
 - private park
 - public park

ii)	Lot Area (minimum)	7000 square metres
iii)	Lot Frontage (minimum)	59 metres
iv)	Front Yard Depth (minimum)	10 metres
v)	Side Yard Width (minimum)	7.5 metres
vi)	Rear Yard Depth (minimum)	10.5 metres
vii)	Dwelling Unit Area (minimum)	120 square metres
viii)	Lot Coverage (maximum)	10%
ix)	Building Height (maximum)	10.5 metres

(u) Residential One – Exception Twenty-One (R1-E21) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E21 Zone with part of Lot 6, Concession 8, geographic Township of Radcliffe, the minimum water setback shall be 20 metres.

(v) Residential One – Exception Twenty-Two (R1-E22) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E22 Zone within part of Lot 146, Range B North, geographic Township of Jones, and more particularly described as Lot 9 in Registered Plan No. 426 and part of the Shoreline Road allowance along Carson Lake, designated as Part 1 on Reference Plan 49R-13750, with a civic address of 246A Arbor Vitae Road, the minimum water setback shall be 22 metres.

(w) Residential One – Exception Twenty-Three (R1-E23) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E23 Zone within part of Lot 184, Range B South, geographic

Township of Sherwood, former Village of Barry's Bay, a single detached dwelling is permitted on a lot accessed by a legally registered right-of-way.

(By-law 2006-62)

***(x) Residential One – Exception Twenty-Four (R1-E24) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for those lands located in the R1-E24 Zone within part of Lot 179, Range "B" South, geographic Township of Sherwood, former Village of Barry's Bay, the minimum front yard depth shall be 1.0 metre. A drainage plan prepared by a qualified person is to be submitted and approved by the Township prior to the issuance of a building permit.*

(By-law 2007-55)

***(y) Residential One – Exception Twenty-Five (R1-E25) Zone**

Notwithstanding Section 3.27(a)(iii) or any provision of this By-law to the contrary, for the lands located in the Residential One – Exception Twenty Five (R1-E25) Zone within Part of Lot 179, Range "B" North, geographic Township of Sherwood now in the Township of Madawaska Valley, a single detached dwelling is exempt from the 150 metre separation distance from an Extractive Industrial (EM) Zone.*

(By-law 2008-48)* As amended by OMB File No. PL081015

***(z) Residential One – Exception Twenty-Six (R1-E26) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One – Exception Twenty Six (R1-E26) Zone within Part of Lot 24, Concession 3, geographic Township of Sherwood, now in the Township of Madawaska Valley, the following provisions shall apply;

- i) The minimum distance separation from an Extractive Industrial Reserve (EMR) Zone shall be 60 metres;
- ii) A 60 metre wide vegetative buffer shall be maintained at the rear of the property, adjacent to the existing EMR Zone;
- iii) Water setback (minimum) – 240 metres for private sewage disposal system; and
- iv) An outdoor furnace and/or a solid fuel fired boiler, whether as a stand alone or separate unit, or in an accessory building, shall not be permitted.*

(By-law 2008-66)

***(aa) Residential One – Exception Twenty-Seven (R1-E27) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One–Exception Twenty-Seven (R1-E27) Zone within

Lots 70 & 71 and part of Lot 76, Registered Plan 143, (being parts of Lot 180, Range “B” South), geographic Township of Sherwood (Barry’s Bay) now in the Township of Madawaska Valley, 44 Dunn Street, a business office is permitted in addition to other uses permitted in the R1 Zone. A sign shall be permitted in accordance with the following provisions:

Front yard depth for a sign (minimum)	0 metres
Height for a sign (maximum)	3.7 m*

(By-law 2008-75)

***(bb) Residential One – Exception Twenty-Eight (R1-E28) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One – Exception Twenty Eight (RU-E28) Zone within part of Lot 26, Concession 12, geographic Township of Jones now in the Township of Madawaska Valley, 608 Arbor Vitae Road, the following provision shall apply:

Water Setback (minimum) for;

i)	sunroom addition over the existing deck	14 metres
ii)	proposed addition to the dwelling	20 metres
iii)	roof over the entrance	24 metres*

(By-law 2008-97)

***(cc) Residential One – Exception Twenty-Nine (R1-E29) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One – Exception Twenty-Nine (R1-E29) Zone within Part of Lot 7, Concession 5, geographic Township of Radcliffe now in the Township of Madawaska Valley, a single detached dwelling is exempt from the 60 metre separation distance from any Industrial Zone.*

(By-law 2008-48) As amended by OMB File No. PL081015

***(dd) Residential One – Exception Thirty (R1-E30) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One – Exception Thirty (R1-E30) Zone within Part of Lot 24, Concession 3, geographic Township of Sherwood, now in the Township of Madawaska Valley, the following provisions shall apply;

- i) The chimney on the existing outdoor furnace shall be higher than the highest building it serves;
- ii) The existing outdoor furnace shall be located a minimum of 4.0 meters from the southern lot line.*

(By-law 2009-28)***(ee) Residential One – Exception Thirty One (R1-E31) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Residential One – Exception Thirty One (R1-E31) Zone within part Lot 20, Concession 11, geographic Township of Radcliffe, and comprising Lot 12 on Registered Plan 275 and that Part of the Original Allowance for Road along the shore of Wadsworth Lake in front of Lot 20, Concession 11, designated as Part 1 on Reference Plan 49R-16890 (and further described as 136 Kopernik Road), the following provision shall apply;

Water Setback (minimum):

- | | | |
|-----|-------------------|------------|
| i) | existing deck | 23 metres |
| ii) | existing dwelling | 25 metres* |

(By-law 2010-04)***(ff) Residential One – Exception Thirty Two (R1-E32) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the R1-E32 Zone within Part of Lot 180, Range “B” North, geographic Township of Sherwood, now in the Township of Madawaska Valley, the separation distance from an Industrial Zone shall be reduced from 60 metres to 30 metres.*

(By-law 2010-10)***(gg) Residential One – Exception Thirty Three (R1-E33) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the R1-E33 Zone described as Part 2 of Plan 49R-16261, and are located in the Part of Lot 178, Range “B” South, in the geographic Township of Sherwood, now in the Township of Madawaska Valley, a semi-detached dwelling is a permitted use.*

(By-law 2010-28)***(hh) Residential One – Exception Thirty Four (R1-E34) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the R1-E34 Zone within part of Lot 5, Concession 9 and part of the Shoreline Road Allowance along Blackfish Bay in front of Lot 5, Concession 9, designated as Parts 1 and 2 on Reference Plan 49R-17205, in the geographic Township of Radcliffe, now in the Township of Madawaska Valley and located at 679 Tamarack Road, the following provisions shall apply:

- | | | |
|-----|----------------------------|-------------|
| i) | Water Setback (minimum) | 9.3 metres |
| ii) | Front Yard Depth (minimum) | 2.0 metres* |

(By-law 2010-60)***(ii) Residential One – Exception Thirty Five (R1-E35) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the R1-E35 Zone within part of Lot 5, Concession 8, geographic Township of Radcliffe, now in the Township of Madawaska Valley, designated as Part 16 on Reference Pan 49R-1574 and comprising part of the Shoreline Road Allowance along Blackfish Bay in front of Part 16 on Reference Plan 49R-1574, and being located at 857 Tamarack Road, the following provisions shall apply:

- i) Water Setback (minimum) 12.0 metres.*

(By-law 2011-32)***(jj) Residential One – Exception Thirty Six (R1-E36) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the R1-E36 Zone, designated Part 6 and 8 on Reference Plan 49R-14396, described as Part Lot 18, Concession 11, geographic Township of Radcliffe, and known municipally as 1789 A-B Old Barry's Bay Road, two single detached dwellings shall be permitted on one lot.*

(By-law 2011-01)***(kk) Residential One – Exception Thirty Seven (R1-E37) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the R1-E37 Zone within Part of Lot 23, Concession 9, in the geographic Township of Radcliffe, now in the Township of Madawaska Valley, and located at 347 Dam Lake Road, the following provisions shall apply:

- i) Front Yard Depth (minimum) 3.9 metres
ii) Water Setback (minimum) 21 metres*

SECTION 6.0 - REQUIREMENTS FOR RESIDENTIAL TWO (R2) ZONE**6.1 PERMITTED USES**

No person shall use any land or erect or use any building or structure in any R2 Zone except for:

(a) Residential Uses

- single detached dwelling
- semi-detached dwelling
- duplex dwelling
- two-unit dwelling
- triplex dwelling
- three unit dwelling
- four unit dwelling
- apartment dwelling
- multiple attached dwelling
- group home

(b) Non-Residential Uses

- private park
- public park

6.2 ZONE PROVISIONS

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

6.2.1 Zone Provisions for Single Detached Dwelling and Group Home

Refer to Section 5.2

6.2.2 Zone Provisions for Semi-Detached (both units on same lot), Duplex, Two Unit Dwelling, Triplex Dwelling, Three Unit Dwelling and Four Unit Dwelling**(a) Lot Area (minimum)**

- | | | |
|------|---|--------------------|
| i) | on municipal water and municipal sewer | 650 square metres |
| ii) | on municipal water or municipal sewer | 2025 square metres |
| iii) | on private well and private septic system | 4050 square metres |

- | | | |
|-----|--|------------------|
| (b) | Lot Frontage (minimum) | |
| | i) on municipal water and municipal sewer | 18 metres |
| | ii) on municipal water or municipal sewer | 30 metres |
| | iii) on private well and private septic system | 30 metres |
| (c) | Front Yard Depth (minimum) | 7.5 metres |
| (d) | Interior Side Yard Width (minimum) | 3 metres |
| (e) | Exterior Side Yard Width (minimum) | 7.5 metres |
| (f) | Rear Yard Depth (minimum) | 7.5 metres |
| (g) | Dwelling Unit Area (minimum) | 55 square metres |
| (h) | Lot Coverage (maximum) | |
| | i) on municipal water and municipal sewer | 44% |
| | ii) on municipal water or municipal sewer | 44% |
| | iii) on private well and private septic system | 33% |
| (i) | Building Height (maximum) | 10.5 metres |
| (j) | Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law. | |
| (k) | Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law. | |
| (l) | Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law. | |
| (m) | Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law. | |
| (n) | Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provisions of this zone to the contrary, Uses, Buildings and Structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law. | |

6.2.3 Zone Provisions for Semi-Detached (each unit on a separate lot)

- | | | |
|-----|--|--|
| (a) | Lot Area (minimum) | |
| | i) | on municipal water and municipal sewer 325 square metres |
| | ii) | on municipal water or municipal sewer 1400 square metres |
| | iii) | on private well and private septic system 2025 square metres |
| (b) | Lot Frontage (minimum) | |
| | i) | on municipal water and municipal sewer 9 metres |
| | ii) | on municipal water or municipal sewer 15 metres |
| | iii) | on private well and private septic system 30 metres |
| (c) | Side Yard along common wall | 0 metres |
| (d) | All other provisions of Section 6.2.2 apply. | |

6.2.4 Zone Provisions for Apartment Dwelling and Multiple Attached Dwelling

- | | | |
|-----|------------------------------------|---|
| (a) | Lot Area (minimum) | |
| | i) | on municipal water and municipal sewer 750 square metres |
| | ii) | on municipal water or municipal sewer 2025 square metres |
| | iii) | on private well and private septic system 4050 square metres |
| (b) | Lot Frontage (minimum) | 30 metres |
| (c) | Front Yard Depth (minimum) | 7.5 metres |
| (d) | Side Yard Width (minimum) | 3.0 metres or one-half the height of the building, whichever is greater |
| (e) | Exterior Side Yard Width (minimum) | 7.5 metres |
| (f) | Rear Yard Depth (minimum) | 7.5 metres |
| (g) | Dwelling Unit Area (minimum) | 55 square metres |
| (h) | Lot Coverage (maximum) | 33% |

- (i) Building Height (maximum) 14 metres
- (j) Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (k) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (l) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (m) Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law.
- (n) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provisions of this zone to the contrary, Uses, Buildings and Structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

6.3 EXCEPTION ZONES

- (a) Residential Two – Exception One (R2-E1) Zone

Notwithstanding Section 3.11 or any other provisions of this By-law to the contrary, for the lands located in the R2-E1 Zone within part of Lot 180, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, being all of Lot 5 in Registered Plan No. 143 and with a civic address of 26 Conway Street, the following provisions shall apply:

- (i) The front lot line is deemed to be the lot line abutting Inglis Street.
- (ii) Minimum Rear Yard Depth 3 metres

(By-law 2007-37)

- *(b) Residential Two – Exception Two (R2-E2) Zone

Notwithstanding any other provision of this By-law to the contrary, for the lands located within the R2-E2 Zone within part of Lot 27 and 28, Concession 5, in the geographic Township of Sherwood, the following provisions shall apply:

- (i) Permitted Residential Uses
 - cluster housing development
 - single detached dwellings
 - cluster dwellings

(ii) Permitted Non-Residential Uses

- central amenity complex
- private club
- active recreational uses
- passive recreational uses

(iii) Zone Provisions for Permitted Uses on an Existing Lot

No person shall erect, alter or use any building or structure on an existing lot in the R2-E2 Zone except in accordance with the following provisions:

- | | | |
|-----|------------------------------------|------------------|
| (a) | Lot Area (minimum) | 6 hectares |
| (b) | Lot Frontage (minimum) | 30 metres |
| (c) | Front Yard Depth (minimum) | 7.5 metres |
| (d) | Exterior Side Yard Width (minimum) | 3.0 metres |
| (e) | Interior Side Yard Width (minimum) | 1.5 metres |
| (f) | Rear Yard Depth (minimum) | 7.5 metres |
| (g) | Dwelling Unit Area (minimum) | 55 square metres |
| (h) | Lot Coverage (maximum) | 40% |
| (i) | Building Height (maximum) | 14 metres |

(iv) Zone Provisions for New Lots or Land Units Created by a Vacant Land Condominium:

No person shall erect, alter or use any building or structure on a new lot or land unit created by a vacant land condominium in the R2-E2 Zone except in accordance with the following provisions:

- | | | |
|-----|------------------------------------|--|
| (a) | Lot/Land Unit Area (minimum) | 150 square metres |
| (b) | Lot/Land Unit Frontage (minimum) | 6.0 metres |
| (c) | Front Yard Depth (minimum) | 3.0 metres |
| (d) | Exterior Side Yard Width (minimum) | 3.0 metres |
| (e) | Interior Side Yard Width (minimum) | 3.0 metres
(no side yard required when lot line(s) is based on common wall) |
| (f) | Rear Yard Depth (minimum) | 3.0 metres |
| (g) | Dwelling Unit Area (minimum) | 75 square metres |
| (h) | Lot Coverage (maximum) | 65% |
| (i) | Building Height (maximum) | 14 metres |

(v) Parking

- (a) A minimum of one (1) parking space per dwelling unit.

(vi) Water Setback

- (a) A minimum setback of 30 metres from the high water mark.

(vii) Definitions

- (a) CLUSTER HOUSING DEVELOPMENT means a group of single detached, two/three/four unit dwellings or multiple attached dwellings built close together on a large property so as to preserve open spaces for common recreation.
- (b) CLUSTER DWELLING means a building that is connected vertically into two or more dwelling units each of which has a separate and independent entrance at finished grade, with no interior access between each dwelling unit.
- (c) CENTRAL AMENITY COMPLEX means a building or buildings used as meeting, social and/or recreational purposes by members of a Cluster Housing Development and their guests.
- (d) LAND UNIT means a parcel or area of land created by a vacant land condominium. A land unit shall have the same meaning as a “Lot” for the purposes of interpreting the zone provisions of this by-law with the exception that each land unit may have frontage and access along a private road which is described as a common element condominium.

6.4 HOLDING ZONES(a) Residential Two – Exception – Holding (R2-E2-h) Zone

Until such time that the holding (h) symbol is removed from any land zoned Residential Two – Exception Two (R2-E2), in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure except in accordance with the following:

(1) Permitted Uses

- existing uses in existing locations
- open space uses
- passive recreation uses
- a maximum of three (3) dwelling units and/or cluster dwelling units which may be used as model homes, provided that an approved Site Plan is in place, prior to the issuance of building permits.

(2) Conditions for Removal of Holding (h) Symbol

The conditions that must be satisfied prior to removal of the holding symbol are:

- (i) that site plans and supporting documentation be provided to the satisfaction of Municipality to address such matters as landscaping, buffering, access, site servicing, lot grading, drainage, storm water management and a water retention area during construction.
- (ii) that the Owner enter into any site plan agreements considered necessary by the Municipality in order to implement the matters addressed on the site plans.*

SECTION 7.0 - REQUIREMENTS FOR LIMITED SERVICE RESIDENTIAL (LSR) ZONE**7.1 PERMITTED USES**

No person shall use any land or erect or use any building or structure in any LSR Zone except for:

(a) Residential Uses

- limited service dwelling

(By-law 2008-06)

- *attached dwelling unit*

(b) Non-Residential Uses

- private park

- public park

7.2 ZONE PROVISIONS

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

(a) Lot Area (minimum) 4050 square metres

(By-law 2011-32)* *

(b) Lot Frontage (minimum) 45 metres except that, where where the right-of-way dead ends, the minimum lot frontage shall be the width of the right-of-way

(c) Water Frontage (minimum) 45 metres

(d) Front Yard Depth (minimum) 7.5 metres

(e) Interior Side Yard Width (minimum) 3 metres

(f) Exterior Side Yard Width (minimum) 7.5 metres

(g) Rear Yard Depth (minimum) 7.5 metres

(h) Dwelling Unit Area (minimum) 55 square metres

(i) Lot Coverage (maximum) 33%

(j) Building Height (maximum) 10.5 metres

- (k) **Open Storage:** In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (l) **Parking and Loading:** In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (m) **Separation Distance:** In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (n) **Setbacks:** In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law.
- (o) **Accessory Uses, Buildings and Structures:** Notwithstanding any Zone Provisions of this zone to the contrary, Uses, Buildings and Structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

7.3 EXCEPTION ZONES

(a) Limited Service Residential – Exception One (LSR-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E1 Zone in part of Lot 27, Concession 2 and a portion of the former shoreline road allowance in front of Lot 27, Concession 2, geographic Township of Sherwood, and more particularly described as Parts 12, 13 and 14 on Reference Plan 49R-5243, with a civic address of 6 Krafchik Lane, the following provisions shall apply:

- i) The minimum water setback for all buildings and structures shall be 11.88 metres; and
- ii) All other provisions of the LSR Zone and this By-law shall apply to the lands zoned LSR-E1.

(b) Limited Service Residential – Exception Two (LSR-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E2 Zone within part of Lot 125, Range B South, geographic Township of Jones, and more particularly described as Part 1 on Reference Plan 49R-1340, with a civic address of 238A Carp Lane, the following provisions shall apply:

- i) Lot Area (minimum) 1300 square metres
- ii) Lot Frontage (minimum) 33.0 metres

- | | | |
|------|----------------------------|-------------|
| iii) | Front Yard Depth (minimum) | 6.0 metres |
| iv) | Water Setback (minimum) | 28.0 metres |

(c) Limited Service Residential – Exception Three (LSR-E3) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E3 Zone within part of Lot 27, Concession 6, geographic Township of Jones, the minimum lot frontage shall be 10 metres.

(d) Limited Service Residential – Exception Four (LSR-E4) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E4 Zone within part of Lot 18, Concession 7, geographic Township of Jones, a seasonal dwelling may be constructed on a lot that is accessed by a Crown Road which leads to a seasonally maintained public road.

(e) Limited Service Residential – Exception Five (LSR-E5) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E5 Zone and described as Lot 34 in Registered Plan No. 386 on Island “A” in Paugh Lake, geographic Township of Burns, an addition not exceeding 25 square metres in gross floor area is permitted to an existing seasonal dwelling on an island and the following provisions shall also apply:

- | | | |
|-----|----------------------------|-----------|
| i) | Front Yard Depth (minimum) | 1 metre |
| ii) | Water Setback (minimum) | 21 metres |

(f) Limited Service Residential – Exception Six (LSR-E6) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E6 Zone on McMaster Lake within part of Lot 25, Concession 4, geographic Township of Jones, a limited service dwelling may be erected or used on a lot with frontage on a private road.

(g) Limited Service Residential – Exception Seven (LSR-E7) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E7 Zone on McMaster Lake within part of Lot 25, Concession 4, geographic Township of Jones, a limited service dwelling may be erected or used on a lot with a minimum lot frontage of 9.14 metres on a 9.14 metre wide private road.

(h) Limited Service Residential – Exception Eight (LSR-E8) Zone

Notwithstanding any other provisions of this By-law to the contrary, for lands located in the LSR-E8 Zone on the Schedules to this By-law, no person shall erect

any building or structure, including a private sewage disposal system, except in accordance with the following provision:

- | | | |
|-----|---|-----------|
| | Water Setback (minimum) | 20 metres |
| (i) | <u>Limited Service Residential – Exception Nine (LSR-E9) Zone</u> | |

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E9 Zone on part of Welchman's Island, geographic Township of Sherwood, the following provisions shall apply:

- | | | |
|------|--|------------|
| i) | Front Yard Depth (minimum)
(as measured from the single detached dwelling to the limits of Mask Island Drive) | 16 metres |
| ii) | Rear Yard Depth (minimum) | 1.5 metres |
| iii) | Water Setback (minimum) | 12 metres |
| (j) | <u>Limited Service Residential – Exception Ten (LSR-E10) Zone</u> | |

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E10 Zone on part of Welchman's Island, geographic Township of Sherwood, with a civic address of 53 Mask Island Drive, the minimum lot frontage requirement shall be 28 metres.

- | | | |
|-----|--|--|
| (k) | <u>Limited Service Residential – Exception Eleven (LSR-E11) Zone</u> | |
|-----|--|--|

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E11 Zone within Part of Lot 34, Concession 7, and part of the road allowance along Trout Lake lying in front of Lot 34, Concession 7, geographic Township of Sherwood, and more particularly described as Parts 2 and 4 on Reference Plan 49R-14690, the following provisions shall apply:

- | | | |
|-----|--|-----------|
| i) | Water Setback (minimum) | 18 metres |
| ii) | An accessory storage shed may be erected prior to the construction of the limited service dwelling on the lands zoned LSR-E11. | |
| (l) | <u>Limited Service Residential – Exception Twelve (LSR-E12) Zone</u> | |

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E12 Zone in part of Lot 27, Concession 2, geographic Township of Sherwood, with a civic address of 80 Blueberry Point Lane, a detached garage is permitted with a minimum water setback of 15 metres.

(m) Limited Service Residential – Exception Thirteen (LSR-E13) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E13 Zone on part of Welchman’s Island in the geographic Township of Sherwood, the following provisions shall apply:

- i) Lot Area (minimum) 4000 square metres
- ii) Lot Frontage (minimum) 22 metres
- iii) The provision of Section 3.22 Outdoor Furnaces shall not apply.

(By-law 2007-28)* (OMB File #PL070768)(o) Limited Service Residential – Exception Fifteen (LSR-E15) Zone

Notwithstanding any other provisions of this By-law to the contrary, for those lands located in the LSR-E15 Zone within Part Lot 10, Concession 5, Geographic Township of Jones, the only permitted residential uses are seasonal dwellings. The vegetative buffer within the 30 metre water setback shall be maintained.*

(By-law 2009-46)*(p) Limited Service Residential – Exception Sixteen (LSR-E16) Zone

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the LSR-E16 Zone within Part of Lots 163 to 166, Range “B” North, geographic Township of Sherwood, now in the Township of Madawaska Valley, the only permitted residential use shall be a limited service dwelling that is accessed by a municipal unopened road allowance in conjunction with a written agreement with the Township to use the unopened road allowance for access. The following provision shall also apply;

- i) Lot Frontage (minimum) 0 metres
- ii) Water Frontage (minimum) 0 metres.*

(By-law 2009-76)*(q) Limited Service Residential – Exception Seventeen (LSR-E17) Zone

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the LSR-E17 Zone within Part of Lot 27, Concession 2, geographic Township of Sherwood, now in the Township of Madawaska Valley, known municipally as 20A Stamplecoski Trail and delineated as Limited Service Residential-Exception Seventeen (LSR-E17) on Schedule “A” to this By-law, the following provision shall apply:

- i) Water Setback (minimum) 13 metres*

(By-law 2009-114)***(r) Limited Service Residential – Exception Eighteen (LSR-E18) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the LSR-E18 Zone within Part of Lot 20, Concession 3, and Part of the Shoreline Road Allowance along Diamond Lake in front of Lot 20, Concession 3, designated as Part 1 on Reference Plan 49R-15584, geographic Township of Radcliffe, now in the Township of Madawaska Valley, and known as 324D Finch Road, the following provision shall apply:

- i) Water Setback (minimum) 7 metres*

(By-law 2010-27)***(s) Limited Service Residential – Exception Nineteen (LSR-E19) Zone**

Notwithstanding any other provision of this By-law to the contrary, including section 3.14.2(a), for the lands located in the LSR-E19 Zone within part of Lot 19, Concession 4, geographic Township of Burns, now in the Township of Madawaska Valley, located at 16 Blue Sea Lake Lane and described as Lot 30 of Registered Plan 361, an addition to an existing cottage is permitted subject to the following provision:

- i) Water Setback (minimum) 20 metres.*

(By-law 2010-61)***(t) Limited Service Residential – Exception Twenty (LSR-E20) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the LSR-E20 Zone within part of Lot 158, Range “B” South, and part of the road allowance along Trout Lake designated as Part 1 on Reference Plan 49R-17156, in the geographic Township of Sherwood, now in the Township of Madawaska Valley, and located at 4 Linton Lane, the following provisions shall apply:

- i) Water Setback (minimum) 12 metres
ii) Interior Side Yard Width (minimum) 1.7 metres.*

(By-law 2010-62)***(u) Limited Service Residential – Exception Twenty One (LSR-E21) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the LSR-E21 Zone within Part of Lot 23, Concession 10, in the geographic Township of Radcliffe, now in the Township of Madawaska Valley, and known as 42 Suncrest Lane, three existing limited service dwellings shall be permitted.*

(By-law 2010-66)***(v) Limited Service Residential – Exception Twenty Two (LSR-E22) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E22 Zone within part of Lots 33 & 34, Concession 6, in the geographic Township of Sherwood, now in the Township of Madawaska Valley, and are located at 43 Kubishack Lane, existing accessory buildings shall be permitted on lands without a principal or main use, building or structure.*

(w)

(By-law 2010-91)***(x) Limited Service Residential – Exception Twenty Four (LSR-E24) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E24 Zone within Part of Lot 24, Concession 4, in the geographic Township of Jones, now in the Township of Madawaska Valley, and known municipally as 1136 Lornie Lane and partially designated as Parts 1, 2 & 3 on Reference Plan 49R-17293:

Lot Frontage (minimum) 20 metres*

(By-law 2011-12)***(y) Limited Service Residential – Exception Twenty Five (LSR-E25) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the LSR-E25 Zone, including the part of the road allowance along the Madawaska River in front of Lot 6, Concession 7 and within Part of Lot 6, Concession 7, in the geographic Township of Radcliffe and known municipally as 81 Drevniok Road, the following provision shall apply:

i) Lot Frontage (minimum) 26 metres*

7.4 INTERIM USES AND STANDARDS (HOLDING)**(a) LSR-E4-h (Part of Lot 18, Concession 7, geographic Township of Jones)**

Until such time that the holding symbol is removed from any of the land in this location zoned LSR-E4-h, in accordance with the conditions set forth herein, no person shall use land or erect or use a building or structure except in accordance with the following:

(1) Permitted Uses

- existing uses in existing locations
- open space
- passive recreation that does not require a building

(2) Conditions for Removal of Holding Symbol (h)

The conditions that must be satisfied prior to the removal of the holding symbol are:

- i) that the standard for the Crown Road is acceptable to the Municipality for emergency vehicle access, and to the Ministry of Natural Resources for all other construction standards; and
- ii) that all other requirements of the Ministry of Natural Resources are met.

SECTION 8.0 - REQUIREMENTS FOR SEASONAL RESIDENTIAL (SR) ZONE**8.1 PERMITTED USES**

No person shall use any land or erect or use any building or structure in any SR Zone except for:

- (a) Residential Uses
 - seasonal dwelling
- (b) Non-Residential Uses
 - forestry
 - hunting and fishing camp
 - private park
 - public park

8.2 ZONE PROVISIONS

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

- | | | |
|-----|--|--------------------|
| (a) | Lot Area (minimum) | 4050 square metres |
| (b) | Lot Frontage (minimum) | 45 metres |
| (c) | Water Frontage (minimum) | 45 metres |
| (d) | Front Yard Depth (minimum) | 7.5 metres |
| (e) | Interior Side Yard Width (minimum) | 3 metres |
| (f) | Exterior Side Yard Width (minimum) | 7.5 metres |
| (g) | Rear Yard Depth (minimum) | 7.5 metres |
| (h) | Dwelling Unit Area (minimum) | 55 square metres |
| (i) | Lot Coverage (maximum) | 33% |
| (j) | Building Height (maximum) | 10.5 metres |
| (k) | Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law. | |

- (l) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (m) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (n) Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law.
- (o) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provisions of this zone to the contrary, Uses, Buildings and Structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

8.3 EXCEPTION ZONES

SECTION 9.0 - REQUIREMENTS FOR COMMERCIAL (C) ZONE**9.1 PERMITTED USES**

No person shall use any land or erect or use any building or structure in any C Zone except for:

(a) Residential Uses

- accessory dwelling units, EXCEPT, in the case of an automotive use where the accessory dwelling unit shall be one single detached dwelling

(b) Non-Residential Uses

- assembly hall
- automotive – body shop
- automotive – car wash
- automotive – commercial garage
- automotive – gasoline bar
- automotive – service station
- automotive – store
- automotive – vehicle sales or rental establishment
- bed and breakfast establishment
- boat sales, snowmobile, trailer and cycle sales and rentals
- building supply store
- business office
- clinic
- cold storage locker
- convenience store
- craft shop and/or gallery
- dairy
- day nursery
- eating establishment

(By-law 2009-91)* *

- eating establishment, take-out
- financial institution
- funeral home
- garden centre
- general service shop
- hotel
- laundromat
- mini storage establishment
- motel
- motor hotel
- park
- parking lot
- personal service shop

- place of entertainment
- printing shop
- professional office
- retail store, including one in which the products are manufactured on the premises, provided that the space devoted to such manufacturing is secondary to the retail use
- tavern or public house
- taxi stand
- tourist information booth

9.2 ZONE PROVISIONS

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

- | | | |
|--|-----------------------------|--|
| (a) Lot Area (minimum): | | |
| i) | hotel, motel or motor hotel | 2750 square metres plus an additional 185 square metres for each guest room in excess of four guest rooms. |
| ii) | other uses | NIL |
| (b) Lot Frontage (minimum): | | |
| i) | hotel, motel or motor hotel | 30 metres |
| ii) | other uses | NIL |
| (c) Front Yard Depth (minimum): | | |
| i) | hotel, motel, motor hotel | 12 metres |
| ii) | all other permitted uses | 3 metres |
| (d) Interior Side Yard Width (minimum) | | |
| | | NIL, except that where the side lot line abuts a Residential Zone, the minimum side yard width shall be 3.0 metres |
| (e) Exterior Side Yard Width (minimum) | | |
| i) | hotel, motel, motor hotel | 12 metres |
| ii) | all other permitted uses | 3 metres |
| (f) Rear Yard Depth (minimum) | | |
| | | 2 metres |

- (g) Lot Coverage (maximum) 33%
- (h) Building Height (maximum): 10.5 metres
- (i) Dwelling Unit Area (minimum): 55 square metres
- (j) Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (k) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (l) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (m) Setbacks: In accordance with the provisions for Setbacks in Section 3 -General Provisions of this By-law.
- (n) Additional Zone Provisions: In accordance with the provisions for Automotive Uses, Automotive-Commercial Garage, Gasoline Bar, Service Station in Section 3 - General Provisions of this By-law.
- (o) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

9.3 **EXCEPTION ZONES**

(a) Commercial – Exception One (C-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E1 Zone within part of Lots 23 and 24, Registered Plan No. 131 and all of Lots 28 and 29, Registered Plan No. 131, in the geographic Township of Sherwood, in the former Village of Barry's Bay, and more particularly described as Parts 2 and 3 on 49R-8529, with a civic address of 43-45 Stafford Street, the following provisions shall apply:

- i) Minimum Front Yard Depth 4.26 metres
- ii) Minimum Side Yard Width NIL
- iii) Minimum Sight Triangle means the triangular space formed by the street lines of a corner lot and a line down from a point in one street to a point in another street line, each such point being 4.26 metres from the point of intersection of the street lines (measured along the street lines).

- iv) Minimum Parking Requirements: a minimum of one (1) residential parking space and three (3) non-residential parking spaces shall be provided. The required parking spaces may be provided within a garage.
- v) Loading Space Requirements: NIL
- vi) Notwithstanding any other provision of this By-law to the contrary, an open, roofed porch not exceeding two storeys in height and with a maximum length of 6.0 metres and a width that projects into the minimum required front yard for a maximum distance equivalent to the minimum required front yard of 4.26 metres, including eaves and cornices, shall be permitted. Handicap access ramps and exterior staircases attached to the porch, shall also be permitted to project into the minimum required front yard depth for a maximum distance equivalent to the minimum required front yard of 4.26 metres.
- vii) With the exception of the above-noted provisions, all of the other provisions of the Commercial (C) Zone shall continue to apply to the lands zoned C-E1.

(b) Commercial – Exception Two (C-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E2 Zone in Lot 151, Registered Plan No. 215, in the geographic Township of Sherwood, in the former Village of Barry's Bay, with a civic address of 19592 Opeongo Line, the following provisions shall apply:

- i) Permitted uses shall be restricted to a retail store and a dwelling unit which is accessory to the permitted retail use;
- ii) All existing buildings and structures shall be permitted; and
- iii) With the exception of the above-noted provisions, all of the other provisions of the Commercial (C) Zone shall continue to apply to the lands zoned C-E2.

(c) Commercial – Exception Three (C-E3) Zone

Notwithstanding Section 3.21 or any other provisions of this By-law to the contrary, for the lands zoned C-E3 within part of Lot 145, Registered Plan No. 215 and within the former road allowance between Lot 180 and Lot 181, Range B North, in the geographic Township of Sherwood, in the former Village of Barry's Bay, and more particularly described as Part 4 on 49R-10000, storage and/or open storage accessory to the main use of an abutting property shall be permitted. Sections 3.21.1 and 3.21.2 shall not apply to the lands zoned C-E3. All other uses and provisions of the Commercial (C) Zone shall continue to apply to these lands.

(d) Commercial – Exception Four (C-E4) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E4 Zone within part of Lot 183, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, with a civic address of 19465 Opeongo Line, where an existing building or structure does not conform to the required setbacks from lot lines, it shall be deemed to conform to the Zoning By-law.

(e) Commercial – Exception Five (C-E5) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E5 Zone within part of Lot 181, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, being Part of Lot 31 in Registered Plan No. 143 and with a civic address of 39 Dunn Street, in addition to the uses permitted in the Commercial (C) Zone, three dwelling units are permitted and the following provisions shall apply:

i)	Minimum Lot Area	360 square metres
ii)	Minimum Front Yard Depth	0.5 metres
iii)	Minimum Side Yard Depth on the North Side	0.5 metre
iv)	Minimum Rear Yard Depth	4.5 metres
v)	Minimum Dwelling Unit Area	45 square metres

(f) Commercial – Exception Six (C-E6) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E6 Zone within part of Lot 183, Range B North, geographic Township of Sherwood, former Village of Barry's Bay, with a civic address of 19460 Opeongo Line, where an existing building or structure does not conform to the required setbacks from lot lines, it shall be deemed to conform to the Zoning By-law.

(g) Commercial – Exception Seven (C-E7) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the C-E7 Zone within part of Lot 181, Range B South, geographic Township of Sherwood, former Village of Barry's Bay, being Part of Lot 31 and all of Lot 34 in Registered Plan No. 143 and with a civic address of 43 Dunn Street, in addition to the uses permitted in the Commercial (C) Zone, two dwelling units are permitted and the following provisions shall apply:

- i) Where an existing building or structure does not conform to the required setbacks from lot lines, it shall be deemed to conform to the Zoning By-law.

- ii) Minimum Dwelling Unit Area 65 square metres

SECTION 10.0 - REQUIREMENTS FOR HIGHWAY COMMERCIAL (HC) ZONE**10.1 PERMITTED USES**

No person shall use land or erect, alter or use any building or structure in any HC Zone except for:

(a) Residential Uses

- accessory dwelling units, EXCEPT, in the case of an automotive use where the accessory dwelling unit shall be one single detached dwelling

(b) Non-Residential Uses

- accessory retail stores, including those whose products are manufactured on the premises, provided that the space devoted to such manufacturing does not exceed 50% of the total floor area
- animal hospital
- antique furniture restoration workshop, cabinet making shop and showroom
- automotive – car wash
- automotive – commercial garage
- automotive – gasoline bar
- automotive – service station
- automotive – store
- automotive – vehicular sales or rental establishment
- bank
- bed and breakfast
- boat sales, snowmobile, trailer and cycle sales and rentals
- building supply store
- business and professional offices
- craft shop and/or gallery
- convenience store

(By-law 2009-91)* *

- *eating establishment*
- eating establishment - take out
- equipment rental establishment
- financial institution
- garden centre
- home display and sales outlet
- hotel
- mini storage establishment
- motel
- motor hotel
- place of entertainment
- public park, private park
- retail store

- service shop general
- service shop personal
- tavern or public house
- taxi stand

Uses, buildings and structures which are accessory to the foregoing.

10.2 ZONE PROVISIONS

(a)	Lot Area (minimum)	
	i)	on municipal water and municipal sewer 900 square metres
	ii)	on municipal water or municipal sewer 2025 square metres
	iii)	on private well and private septic system 4050 square metres
(b)	Lot Frontage (minimum)	30 metres
(c)	Front Yard Depth (minimum)	
	i)	motel, motor hotel, hotel, automotive – service station, automotive – commercial garage 12 metres
	ii)	all other permitted uses 7.5 metres
(By-law 2011-32) **		
	(d)	Side Yard Width (minimum) 3.0 metres except, that where the side lot line abuts a Residential Zone, the minimum side yard width shall be 6 metres
(By-law 2011-32) **		
	(e)	Rear Yard Depth (minimum) 7.5 metres except, that where the rear lot line abuts a Residential Zone, the minimum rear yard depth shall be 10.5 metres
(f)	Lot Coverage (maximum)	33%
(g)	Building Height (maximum)	10.5 metres

- (h) Dwelling Unit Area (minimum) 55 square metres
- (i) Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (j) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (k) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (l) Setbacks: In accordance with the provisions for Setbacks in Section 3 -General Provisions of this By-law.
- (m) Additional Zone Provisions: In accordance with the provisions for Automotive Uses, Automotive-Commercial Garage, Gasoline Bar, Service Station in Section 3 - General Provisions of this By-law.
- (n) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

10.3 **EXCEPTION ZONES**

(a) Highway Commercial – Exception One (HC-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the HC-E1 Zone within part of Lot 1, Concession 4, geographic Township of Sherwood, with a civic address of 30 Burchat Street, a building containing an artisan shop and/or a dwelling unit shall be the only permitted use and the following provisions shall apply:

- i) Lot Area (minimum) 1150 square metres
- ii) Where an existing building or structure does not conform to the required setbacks from lot lines, it shall be deemed to conform to the Zoning By-law.
- iii) For the purposes of this by-law, an artisan shop means a building or structure where an artist creates unique articles and where such unique articles as well as articles created by other artists and skilled craftsmen are offered for sale. Custom picture framing is also permitted in the artisan shop.
- iv) Number of Parking Spaces (minimum) 8

(b) Highway Commercial – Exception Two (HC-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands zoned Highway Commercial-Exception Two (HC-E2) and located along Highway 60 and Mintha Street, within Part Lot 178, Range “B” South, Township of Sherwood, the following zone provisions shall apply to the building existing as of October 17, 1994:

i)	Minimum required front yard depth	2.4 metres
ii)	Minimum required interior side yard width	3.6 metres
iii)	Minimum required exterior side yard width	3.0 metres
iv)	Minimum required rear yard depth	3.6 metres
v)	Minimum required strip of landscaped open space around open storage area adjacent rear lot line	nil

All other provisions of the Highway Commercial (HC) zone shall apply to lands zoned Highway Commercial-Exception Two (HC-E2).

(c) Highway Commercial – Exception Three (HC-E3) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the HC-E3 Zone within part of Lot 6, Concession 5, geographic Township of Radcliffe, a contractor’s yard or shop is also a permitted use.

(d) Highway Commercial – Exception Four (HC-E4) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the HC-E4 Zone within part of Lots 185 and 186, Range B North, geographic Township of Sherwood, a two unit dwelling is also a permitted use.

(e) Highway Commercial – Exception Five (HC-E5) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the HC-E5 Zone within part of Lot 186, Range B North, geographic Township of Sherwood, and more particularly described as Parts 1 and 2 on Reference Plan 49R-1521, a construction office is also a permitted use.

(By-law 2006-42)*(f) Highway Commercial – Exception Six (HC-E6) Zone

Notwithstanding any other provisions of this By-law to the contrary, for those lands located in the HC-E6 Zone within part of Lots 189 and 190, Range “B”

North, geographic Township of Sherwood, and more particularly described as Parts 1 and 2 on Reference Plan 49R-15757, an accessory dwelling unit attached to an automotive use shall be permitted. All other provisions of the By-law shall apply.*

(By-law 2006-72)

***(g) Highway Commercial – Exception Seven (HC-E7) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for those lands located in the HC-E7 Zone within Part of Lots 182, 183, Water Lot “C” and part of the road allowance, Range “B” South, geographic Township of Sherwood, the minimum side yard requirement is 1.8 metres. All other provisions of the HC Zone shall apply.*

(By-law 2009-44)

***(h) Highway Commercial – Exception Eight (HC-E8) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Highway Commercial-Exception Eight (HC-E8) Zone within Part of Lots 183 and 184, Range “B” South, geographic Township of Sherwood (Barry’s Bay), now in the Township of Madawaska Valley, the following provisions shall apply;

- i) Interior Side Yard Width (minimum) 3 metres;
- ii) Rear Yard Depth (minimum) 2 metres;
- iii) The following shall be additional permitted uses; assembly hall, automotive-body shop, clinic, cold storage locker, dairy, day nursery, funeral home, laundromat, parking lot, tourist information booth.*

(By-law 2009-67)

***(i) Highway Commercial – Exception Nine (HC-E9)**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the HC-E9 Zone within Part of Lots 185 and 186, Range “B” North, geographic Township of Sherwood, now in the Township of Madawaska Valley, known municipally as 19331 Highway 60 and delineated as Highway Commercial-Exception Nine (HC-E9) on **Schedule “A”** to this By-law, the following exceptions shall apply:

- i) Front Yard Depth (minimum) 1.0 metres*

(By-law 2011-25)***(k) Highway Commercial – Exception Ten (HC-E10)**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the HC-E10 Zone within Part of Lots 188, 189 and 190, Range “B” North, in the geographic Township of Sherwood, now in the Township of Madawaska Valley, and designated as Part 1 on Reference Plan 49R-7965 and Parts 1 and 2 on Reference Plan 49R-15318, the following provisions shall apply:

- i) The minimum rear yard depth and side yard width the lands designated as Parts 1 and 2 on Reference Plan 49R-15318 shall be 0 metres, except for the westerly side yard lot line of Part 1.
- ii) In addition to the permitted non-residential uses in the HC Zone, the following uses are also permitted:
 - automotive – body shop
 - contractor’s yard or shop
 - custom workshop
 - factory outlet
 - food catering establishment
 - fuel storage tank
 - general service shop
 - laboratory
 - logging hauler
 - log home manufacturing plant
 - manufacturing plant light
 - printing and bookbinding shop
 - public garage
 - retail store involving the sale, service and/or rental of heavy machinery, factory/industrial equipment, boats, recreational vehicles, trailers, motorcycles, snowmobiles
 - training facility
 - warehouse
 - welding shop
- iii) Lot Area (minimum) 0.4046 hectare (1 acre)
- iv) All permitted uses must hold any applicable Ministry of the Environment Certificate of Approval.*

SECTION 11.0 - REQUIREMENTS FOR TOURISM COMMERCIAL (TC) ZONE**11.1 PERMITTED USES**

No person shall use any land or erect or use a building or structure in a TC Zone except for:

(a) Residential Uses

- accessory dwelling unit

(b) Non-Residential Uses

- active recreation uses
- bed and breakfast
- camping and cottage establishment

(By-law 2009-91)* *

- *eating establishment*
- eating establishment – take-out
- golf course
- marina
- place of entertainment
- recreational vehicle campground or park
- resort
- riding stables
- ski hill
- tourist establishment

Uses, buildings and structures accessory to the foregoing.

11.2 ZONE PROVISIONS

(a) Lot Area (minimum)

- | | | |
|-----|---|--------------------|
| i) | on municipal water and municipal sewer | 900 square metres |
| ii) | on municipal water or municipal sewer | 2025 square metres |
| ii) | on private well and private septic system | |
| | - active recreation uses, golf course, riding stables, ski hill | 4 hectares |
| | - all other permitted uses | 4050 square metres |

(b) Lot Frontage (minimum) 30 metres

- | | | |
|-----|----------------------------|------------|
| (c) | Front Yard Depth (minimum) | 7.5 metres |
|-----|----------------------------|------------|
- *(By-law 2011-32)* ****
- | | | |
|------|---------------------------|--|
| *(d) | Side Yard Width (minimum) | 3.0 metres except, that where the side lot line abuts a Residential Zone, the minimum side yard width shall be 6 metres* |
|------|---------------------------|--|
- *(By-law 2011-32)* ****
- | | | |
|------|---------------------------|---|
| *(e) | Rear Yard Depth (minimum) | 7.5 metres except, that where the rear line abuts a Residential Zone, the minimum rear yard depth shall be 10.5 metres* |
|------|---------------------------|---|
- | | | |
|-----|---|------------------|
| (f) | Lot Coverage (maximum) | 33% |
| (g) | Building Height (maximum) | 10.5 metres |
| (h) | Dwelling Unit Area (minimum) | 55 square metres |
| (i) | Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law. | |
| (j) | Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law. | |
| (k) | Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law. | |
| (l) | Setbacks: In accordance with the provisions for Setbacks in Section 3 -General Provisions of this By-law. | |
| (m) | Additional Zone Provisions: In accordance with the provisions for Automotive Uses, Automotive-Commercial Garage, Gasoline Bar, Service Station in Section 3 - General Provisions of this By-law. | |
| (n) | Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law. | |

11.3 EXCEPTION ZONES

(a) Tourism Commercial – Exception One (TC-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the TC-E1 Zone within part of Lot 7, Concession 5, geographic

Township of Radcliffe, the minimum water setback for buildings and structures shall be 15 metres. The minimum water setback for a private sewage disposal system shall be 30 metres.

(b) Tourism Commercial – Exception Two (TC-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for lands located in the TC-E2 Zone on the Schedules to this By-law, no person shall erect any building or structure, including a private sewage disposal system, except in accordance with the following provision:

Water Setback (minimum)	20 metres
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SECTION 12.0 - REQUIREMENT FOR GENERAL INDUSTRIAL (GM) ZONE**12.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any GM Zone except for:

(a) Residential Uses

- prohibited

(b) Non-Residential Uses

- automotive – body shop
- automotive – commercial garage
- automotive – vehicle sales or rental establishment
- business office accessory to a permitted use
- concrete manufacturing plant
- contractor's yard or shop
- factory outlet
- fuel storage tank

(By-law 2011-32)

- *furniture or wood products shop*
- logging hauler
- manufacturing plant
- mini storage establishment
- public garage
- planing mill
- retail uses accessory to a permitted use
- retail stores involving the sale and/or rental of heavy machinery, fuels, factory equipment, boats, recreational vehicles, motorcycles, snowmobiles
- sawmill
- service shop, general
- truck terminal
- warehouse
- welding shop

12.2 ZONE PROVISIONS

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

- | | | |
|-----|------------------------|--------------------|
| (a) | Lot Area (minimum) | 4050 square metres |
| (b) | Lot Frontage (minimum) | 30 metres |

- | (c) Yards (minimum): | Abutting an
Industrial
<u>Zone</u> | Abutting
Other
<u>Zone</u> |
|-------------------------------|--|----------------------------------|
| i) Front Yard Depth | 15 metres | 22 metres |
| ii) Interior Side Yard Width | 3 metres | 22 metres |
| iii) Exterior Side Yard Width | 15 metres | 22 metres |
| iv) Rear Yard Depth | 9 metres | 22 metres |
- (d) Lot Coverage (maximum) 50%
- (e) Building Height (maximum) 15 metres
- (f) Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (g) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (h) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (i) Setbacks: In accordance with the provisions for Setbacks in Section 3 -General Provisions of this By-law.
- (j) Additional Zone Provisions: In accordance with the provisions for Automotive Uses, Automotive-Commercial Garage, Gasoline Bar, Service Station in Section 3 - General Provisions of this By-law.
- (k) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

12.3 EXCEPTION ZONES

(a) General Industrial – Exception One (GM-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands zoned General Industrial-Exception One (GM-E1) and located along Highway No. 60 and 62, within Part Lots 188 and 189, Range “B” North, Township of Sherwood, the following zone provisions shall apply:

Yards (minimum)	for all buildings and structures existing as of October 17, 1994	for all new buildings, structures or additions to existing buildings or structures
i) Front Yard Depth	10.0 metres	10.0 metres
ii) Side Yard Width	1.8 metres	10.0 metres
iii) Rear Yard Depth	2.7 metres	10.0 metres

All other provisions of the General Industrial (GM) zone shall apply to lands zoned General Industrial-Exception One (GM-E1).

SECTION 13.0 - REQUIREMENTS FOR EXTRACTIVE INDUSTRIAL (EM) ZONE**13.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any EM Zone except for:

- (a) Residential Uses
- prohibited
- (b) Non-Residential Uses
- concrete manufacturing plant
 - extractive industrial facility
 - forestry
 - gravel pit
 - limited farm
 - quarry

13.2 ZONE PROVISIONS

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

- (a) Lot Frontage (minimum) 30 metres
- (b) Yards (minimum):
- | | <u>Abutting
Industrial
Zone</u> | <u>Abutting
Other
Zone</u> |
|-------------------------------|---|------------------------------------|
| i) Front Yard Depth | 22 metres | 30 metres |
| ii) Interior Side Yard Width | 15 metres | 30 metres |
| iii) Exterior Side Yard Width | 22 metres | 30 metres |
| iv) Rear Yard Depth | 15 metres | 30 metres |
- (c) Landscaped Open Space

No land in an Extractive Industrial (EM) Zone shall be used for any other purpose than landscaped open space within:

- i) 30 metres of any zone other than an Industrial zone
- ii) 22 metres of any street line

- (d) Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.
- (e) Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.
- (f) Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.
- (g) Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law.
- (h) Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this Zone to the contrary, uses, buildings and structure that are accessory to the permitted uses of this Zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

13.3 EXCEPTION ZONES

**SECTION 14.0 - REQUIREMENTS FOR EXTRACTIVE INDUSTRIAL RESERVE
(EMR) ZONE**
14.1 PERMITTED USES

No person shall use land or erect or use a building or structure in any EMR Zone except for:

(a) Residential Uses

- single detached dwelling existing at the date of passing of this By-law.

(b) Non-Residential Uses

- non-residential uses existing on the date of passing of this By-law
- forestry
- limited farm
- passive recreation

14.2 ZONE PROVISIONS

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

- | | | |
|-----|----------------------------|-------------|
| (a) | Front Yard Depth (minimum) | 10.5 metres |
| (b) | Side Yard Width (minimum) | 3.0 metres |
| (c) | Rear Yard Depth (minimum) | 15.0 metres |

14.3 EXCEPTION ZONES
(By-law 2010-05)

*(a) Extractive Industrial Reserve – Exception One (EMR-E1) Zone

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the EMR-E1 Zone within Part of Lot 1, Concession 9, geographic Township of Sherwood, now in the Township of Madawaska Valley, and known as 85 Antoine Road, residential uses shall not be permitted. A hunting and fishing camp shall be the only permitted use.*

SECTION 15.0 - REQUIREMENTS FOR DISPOSAL INDUSTRIAL ONE (DM1) ZONE**15.1 PERMITTED USES**

No person shall use land or erect, alter or use a building or structure in any DM1 Zone except for:

- (a) Residential Uses
 - prohibited
- (b) Non-Residential Uses
 - waste disposal site, including transfer and processing stations and composting sites

15.2 ZONE PROVISIONS

(a)	Yards (minimum):	<u>Abutting Industrial Zone</u>	<u>Abutting Other Zone</u>
	i) Front Yard Depth	22 metres	30 metres
	ii) Side Yard Width	15 metres	30 metres
	iii) Rear Yard Depth	15 metres	30 metres

(b) Buffer Strip

No land in any DM1 Zone shall be used for any other purpose than a buffer strip within,

- i) 30 metres of any Zone other than an Industrial zone; and
- ii) 22 metres of any street line.

(c) Abandoned or Rehabilitated

No building shall be erected or constructed in a waste disposal site that has been abandoned or rehabilitated.

(d) Accessory Uses, Buildings and Structures

Notwithstanding any other zone provision to the contrary, with the exception of the Buffer Strip provisions, uses, buildings and structures that are necessary to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

15.3 EXCEPTION ZONES**(a) Disposal Industrial One – Exception One (DM1-E1) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the DM1-E1 Zone within part of Lots 5 and 6, Concession 4, geographic Township of Sherwood, a gravel pit is also a permitted use.

SECTION 16.0 - REQUIREMENTS FOR DISPOSAL INDUSTRIAL TWO (DM2) ZONE**16.1 PERMITTED USES**

No person shall use land or erect, alter or use a building or structure in any DM2 Zone except for:

- (a) Residential Uses
 - prohibited
- (b) Non-Residential Uses
 - salvage yard
 - wrecking establishment

16.2 ZONE PROVISIONS

(a)	Yards (minimum):	<u>Abutting Industrial Zone</u>	<u>Abutting Other Zone</u>
	i) Front Yard Depth	22 metres	30 metres
	ii) Side Yard Width	15 metres	30 metres
	iii) Rear Yard Depth	15 metres	30 metres

(b) Buffer Strip

No land in any DM2 Zone shall be used for any other purpose than a buffer strip within,

- i) 30 metres of any Zone other than an Industrial zone; and
- ii) 22 metres of any street line.

(c) Accessory Uses, Buildings and Structures

Notwithstanding any other zone provision to the contrary, with the exception of the Buffer Strip provisions, uses, buildings and structures that are necessary to the permitted uses of this zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

16.3 EXCEPTION ZONES

SECTION 17.0 - REQUIREMENTS FOR RURAL (RU) ZONE
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17.1 PERMITTED USES

No person shall use land or erect, alter or use a building or structure in any RU Zone except for:

(a) Residential Uses

- single detached dwelling
- mobile home, in accordance with the Mobile Home provisions in Section 3.0 General Provisions of this by-law
- group home

(By-law 2008-06)

- *attached dwelling unit*

(By-law 2011-32)

- *recreational vehicle or trailer, in accordance with the Occupancy of Vehicles provisions in Section 3.0 General Provisions of this By-law*

(b) Non-Residential Uses

- bed and breakfast
- cemetery
- existing private airfield
- farm
- farm produce sales outlet
- forestry
- garden centre
- home industry
- hunting and fishing camp
- limited farm
- logging hauler
- passive recreation
- private park
- public park
- recreation camp

17.2 ZONE PROVISIONS

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

(a) Lot Area (minimum)

- | | | |
|----|--|------------|
| i) | farm, farm produce sales outlet,
garden centre, limited farm, logging
hauler | 5 hectares |
|----|--|------------|

ii)	all other permitted uses	4050 square metres
(b)	Lot Frontage (minimum)	30 metres
(c)	Water Frontage (minimum)	45 metres
(d)	Front Yard Depth (minimum)	
(By-law 2011-32) **		
i)	farm, recreational vehicle or trailer	12 metres
ii)	all other permitted uses	7.5 metres
(e)	Side Yard Width (minimum)	
i)	farm	9 metres
ii)	all other permitted uses	3 metres
(f)	Rear Yard Depth (minimum)	
i)	farm	15 metres
ii)	all other permitted uses	7.5 metres
(g)	Dwelling Unit Area (minimum)	55 square metres
(h)	Lot Coverage (maximum)	
i)	farm	20%
ii)	all other permitted uses	33%
(i)	Open Storage: In accordance with the provisions for Open Storage in Section 3 - General Provisions of this By-law.	
(j)	Parking and Loading: In accordance with the provisions for Parking and Loading in Section 3 - General Provisions of this By-law.	
(k)	Separation Distance: In accordance with the provisions for Separation Distance in Section 3 - General Provisions of this By-law.	
(l)	Setbacks: In accordance with the provisions for Setbacks in Section 3 - General Provisions of this By-law.	
(m)	Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this Zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this Zone shall be permitted in accordance with the	

requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law.

17.3 EXCEPTION ZONES

(a) Rural – Exception One (RU-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands delineated as Rural – Exception One (RU-E1) on Schedule “A” to this By-law, a sawmill shall be a permitted use.

(b) Rural – Exception Two (RU-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E2 Zone within part of Lot 6, Concession 2, geographic Township of Sherwood, the permitted uses shall be limited to the following:

- forestry
- hunting and fishing camp
- passive recreation uses

All of the other provisions of the Rural (RU) Zone shall apply.

(c) Rural – Exception Three (RU-E3) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E3 Zone within part of Lot 147, Range B South, geographic Township of Jones, with a civic address of 21059B Highway 60, a building containing a wrought iron metal furniture workshop and showroom and a dwelling unit is permitted.

(d) Rural – Exception Four (RU-E4) Zone

Notwithstanding the requirements of Section 3.16(c) or any other provision of this By-law to the contrary, for the lands located in the RU-E4 Zone within part of Part 3 on 49R-3511, in part of Lot 159, Range B South, geographic Township of Sherwood, a mobile home shall be permitted to continue to be located where it lawfully existed on October 17, 1994 and may be replaced, repaired, and/or restored so long as it continues to be located at the existing location.

(e) Rural – Exception Five (RU-E5) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E5 Zone within part of Lot 32, Concession 5, geographic Township of Sherwood, a butcher shop shall be a permitted use.

(f) Rural – Exception Six (RU-E6) Zone

Notwithstanding any other provisions of this By-law to the contrary, for lands located in the RU-E6 Zone on the Schedules to this By-law, no person shall erect any building or structure, including a private sewage disposal system, except in accordance with the following provision:

Water Setback (minimum)	20 metres
-------------------------	-----------

(g) Rural – Exception Seven (RU-E7) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E7 Zone within part of Lots 9 and 10, Concession 1 and part of Lot 10, Concession 2, geographic Township of Radcliffe, the following provisions shall apply:

- i) No buildings or structures shall be permitted on lands below the 283.46 metres (930 feet) G.S.C.
- ii) Development on lands above 283.46 metres (930 feet) but below 284.4 metres (933 feet) shall be floodproofed to the floodplain design elevation of 284.7 metres (934 feet).
- iii) Driveways and private roads shall be floodproofed to an elevation of 284.0 metres (932 feet).
- iv) An elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer shall accompany an application for a building permit in order to confirm that development is to proceed in accordance with the requirements of this By-law.

**

(By-law 2009-45)

*(h) Rural – Exception Eight – Temporary (RU-E8-Temporary) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E8-Temporary Zone within part of Lot 26, Concession 8, geographic Township of Sherwood, two single detached dwellings shall be permitted on one lot on a temporary basis until **June 15th, 2012** (this date corresponds to three years from the date of passing of this by-law).*

(i) Rural – Exception Nine (RU-E9) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E9 Zone within part of Lot 19, Concession 11, geographic Township of Sherwood, a sawmill shall be a permitted use.

(j) Rural – Exception Ten (RU-E10) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E10 Zone within part of Lot 30, Concession 1, geographic Township of Sherwood, the permitted uses shall be limited to the following:

- seasonal dwelling
- building for sheltering fewer than five horses
- horse paddock and riding area
- hunting and fishing camp
- passive recreation

(k) Rural – Exception Eleven (RU-E11) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E11 Zone within part of Lot 28, Concession 12, geographic Township of Jones, the only permitted uses shall be a seasonal dwelling, provided that it is accessed in accordance with an approved crossing agreement entered into between the owner and the Municipality over the former CN railway and registered on title to the property. Forestry, and uses, buildings and structures accessory to the foregoing are also permitted.

A building permit will not be issued until the owner enters into an agreement with the Township regarding crossing over the former CN rail line. Further, a covenant is to be placed on title to the lands owned by the applicants in Lot 28, Concession 12 (PIN 57554-0051) and in Part of Lots 27 and 28, Concession 12 (PIN 57554-0033), stating that these lands are to be conveyed simultaneously to the same person in any future transactions.

Section 3.27(a)(iii) regarding a minimum separation distance for a new dwelling from an Extractive Industrial Reserve (EMR) Zone does not apply.

(l) Rural – Exception Twelve (RU-E12) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E12 Zone within part of Lot 22, Concession 1, geographic Township of Burns, and more particularly described as Part 3 on Reference Plan 49R-8766 and Parts 1 and 2 on Reference Plan 49R-15600, with a civic address of 1205 Yandreski Road, a seasonal dwelling is the only permitted use.

(m) Rural – Exception Thirteen (RU-E13) Zone

(By-law 2011-32)

Notwithstanding Section 3.27(a)(iii) or any other provision of this By-law to the contrary, for the lands located in the RU-E13 Zone within part of Lot 9, Concession 4, geographic Township of Sherwood, a single detached dwelling may be erected within *90* metres of an Extractive Industrial (EM) Zone or Extractive Industrial Reserve (EMR) Zone.

(n) Rural – Exception Fourteen (RU-E14) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E14 Zone within part of Lots 9 and 10, Concession 4 and part of Lot 7, Concessions 2 and 3, geographic Township of Radcliffe, a religious education facility shall be a permitted use.

(By-law 2007-22)*(o) Rural – Exception Fifteen (RU-E15) Zone

Notwithstanding Section 3.27(a)(ii) or any other provision of this By-law to the contrary, for the lands located in the Rural – Exception Fifteen (RU-E15) Zone within Part of Lot 9, Concession 5, geographic Township of Radcliffe, now in the Township of Madawaska Valley, more particularly described as Part 1 on Reference Plan 49R-4814, a single detached dwelling is exempt from the 60 metre separation distance requirement from an Industrial Zone.*

(By-law 2010-22)* (OMB File #PL090059)(p) Rural – Exception Sixteen (RU-E16) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E16 Zone within Part of Lot 18, Concession 12, geographic Township of Radcliffe, now in the Township of Madawaska Valley, and designated as Part 1 on Reference Plan 49R-17033, 1 travel trailer campsite shall be the only permitted use. The following provisions shall also apply:

- | | | |
|------|--|------------|
| i) | trailer length (excluding tongue)
(maximum) | 9.3 metres |
| ii) | setback of permitted seasonal tent or
travel trailer from high water mark
(minimum) | 45 metres |
| iii) | no permanent additions on the lakeside
portion of the tent or travel trailer shall be
permitted. | |

(q) Rural – Exception Seventeen (RU-E17) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E17 Zone within Part of Lot 18, Concession 12, geographic Township of Radcliffe, now in the Township of Madawaska Valley, and designated as Part 2 on Reference Plan 49R-17033, a maximum of 5 travel trailer campsites and an accessory septic tank shall be the only permitted uses. The following provisions shall also apply:

- | | | |
|-----|---|------------|
| i) | trailer length (excluding tongue)
(maximum) | 9.3 metres |
| ii) | setback of permitted seasonal tent or
travel trailer from high water mark
(minimum) | 45 metres |

- iv) no permanent additions on the lakeside portion of the tent or trailer shall be permitted.*

(By-law 2008-05)

***(r) Rural – Exception Eighteen (RU-E18) Zone**

Notwithstanding Section 3.27(a)(iii) or any other provision of this By-law to the contrary, for the lands located in the RU-E18 Zone within Part of Lot 9, Concession 19, geographic Township of Radcliffe, now in the Township of Madawaska Valley, a single detached dwelling is exempt from the 150 metre separation distance from an Extractive Industrial Reserve (EMR) Zone. Also, the existing 30 metre vegetative buffer at along Stanley Olsheski Road is required to be maintained.

(s) Rural – Exception Nineteen (RU-E19) Zone

Notwithstanding Section 3.27(a)(iii) or any other provision of this By-law to the contrary, for the lands located in the RU-E19 Zone within Part of Lot 9, Concession 19, geographic Township of Radcliffe, now in the Township of Madawaska Valley, a single detached dwelling is exempt from the 150 metre separation distance from an Extractive Industrial Reserve (EMR) Zone.*

(By-law 2008-32)

***(t) Rural – Exception Twenty (RU-E20) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the Rural – Exception Twenty (RU-E20) Zone within Part of Lot 7, Concession 4, geographic Township of Radcliffe now in the Township of Madawaska Valley, and further described as 2704 Dafoe Road, a business office and warehouse shall be permitted uses.*

(By-law 2009-115)

***(u) Rural – Exception Twenty-One – Temporary (RU-E21-Temporary) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the Rural – Exception Twenty-One – Temporary (RU-E21-Temporary) Zone in Lot 19, Concession 8, geographic Township of Sherwood, known as 1 Rumleskie Road, a second dwelling unit being a garden suite shall be permitted until **December 20th, 2019** (this date represents 10 years from the date of passing of the Zoning By-law Amendment) in accordance with Section 39.1 of the Planning Act. In addition, the separation distance from the garden suite to an Extractive Industrial (EM) or a Extractive Industrial Reserve (EMR) Zone will be reduced to 60 metres.*

(By-law 2010-22)* (OMB File #PL090059)**(v) Rural – Exception Twenty-Two (RU-E22) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E22 Zone within Part of Lot 18, Concession 12, geographic Township of Radcliffe, now in the Township of Madawaska Valley, and designated as Part 3 on Reference Plan 49R-17033, a private septic tile bed disposal system to service 6 travel trailer campsites (maximum) shall be the only permitted use.*

(By-law 2010-82)***(w) Rural – Exception Twenty-Three (RU-E23) Zone**

Notwithstanding Section 3.28(a)(ii) or any other provision of this By-law to the contrary, for the lands located in the RU-E23 Zone within Part of Lot 26, Concession 2, geographic Township of Sherwood, now in the Township of Madawaska Valley, know municipally as 42028-B Combermere Road, and designated Part 1 on Reference Plan 49R-2091 and Parts 5 & 6 on Reference Plan 49R-4930, a single-detached dwelling is permitted 45 metres from an Industrial Zone.*

(By-law 2011-32)***(x) Rural – Exception Twenty Four (RU-E24) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E24 Zone within Part Lot 4, Concession IV, geographic Township of Sherwood, and designated as Parts 1, 2 & 4 on Reference Plan 49R-13560, the following provision shall apply:

i) Lot Frontage (minimum) 20 metres

***(y) Rural – Exception Twenty Five (RU-E25) Zone**

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the RU-E25 Zone within Part Lot 4, Concession IV, geographic Township of Sherwood, and designated as Parts 5 & 6 on Reference Plan 49R-13560 and known municipally as 17814 Highway 60, the following provision shall apply:

i) Lot Frontage (minimum) 0 metres*

SECTION 18.0 - REQUIREMENTS FOR COMMUNITY FACILITY (CF) ZONE**18.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any CF Zone except for:

(a) Residential Uses

- accessory single detached dwelling
- home for the aged
- nursing home
- senior citizens home

(b) Non-Residential Uses

- arena
- assembly hall
- cemetery
- church
- clinic
- community centre
- day nursery
- institutional use
- private club
- private park
- public building
- public garage
- public park
- public utility
- recreation, passive
- religious education facility
- school

18.2 ZONE PROVISIONS

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

(a) Lot Area (minimum)

- | | | |
|------|---|--------------------|
| i) | on municipal water and municipal sewer | 465 square metres |
| ii) | on municipal water or municipal sewer | 4050 square metres |
| iii) | on private well and private septic system | 4050 square metres |

- | | | |
|-----|------------------------|---|
| (b) | Lot Frontage (minimum) | |
| | i) | on municipal water and municipal sewer 15 metres |
| | ii) | on municipal water or municipal sewer 30 metres |
| | iii) | on private well and private septic system 30 metres |

(By-law 2011-32)* *

- | | | | |
|-----|------|------------------------------------|---|
| | *(c) | Front Yard Depth (minimum) | |
| | | i) | on municipal water and municipal sewer 3 metres |
| | | ii) | on municipal water or municipal sewer 10.5 metres |
| | | iii) | on private well and private septic system 10.5 metres |
| (d) | | Side Yard Width (minimum) | |
| | | i) | on municipal water and municipal sewer 3 metres |
| | | ii) | on municipal water or municipal sewer 5 metres or ½ the height of the building whichever is greater |
| | | iii) | on private well and private septic system 5 metres or ½ the height of the building whichever is greater |
| (e) | | Exterior Side Yard Width (minimum) | |
| | | i) | on municipal water and municipal sewer 3 metres |
| | | ii) | on municipal water or municipal sewer 10.5 metres |
| | | iii) | on private well and private septic system 10.5 metres |
| (f) | | Rear Yard Depth (minimum) | |
| | | i) | on municipal water and municipal sewer 2 metres |
| | | ii) | on municipal water or municipal sewer 15 metres |
| | | iii) | on private well and private septic system 15 metres* |
| (g) | | Lot Coverage (maximum) | 40% |
| (h) | | Building Height (maximum) | 10.5 metres |

iv.	Minimum Rear Yard Depth	7.5 metres
v.	Minimum Interior Side Yard Depth	2.0 metres
vi.	Minimum Exterior Side Yard Depth	6.0 metres
vii.	Maximum Lot Coverage	35%
viii.	Maximum Building Height	15.5 metres
ix.	Minimum No. of Parking Spaces:	
	1. Retirement Home	One (1) parking space for every four (4) beds
	2. Other Permitted Uses	See Section 3.23
x.	Minimum No. of Loading Spaces	One (1) loading space

(b) Community Facility – Exception Two (CF-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the CF-E2 Zone within Part of Lot 8, Concession 7, in the geographic Township of Radcliffe, with a civic address of 39844 Combermere Road, a transfer station is a permitted use.

(By-law 2009-50)

*(c) Community Facility – Exception Three (CF-E3) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the CF-E3 Zone within Part of Lot 181, Range “B” North, geographic Township of Sherwood (Barry’s Bay), now in the Township of Madawaska Valley, a covered gazebo in Zurakowski Park shall be permitted and the following provisions shall also apply:

Front Yard Depth (minimum)	3 metres
Rear Yard Depth (minimum)	3 metres

In addition, the setback from all lot lines for all interpretive signs, billboards, banners, pillars, movie screens and similar structures and appurtenances shall be 0 metres.*

(By-law 2010-85)***(d) Community Facility – Exception Four (CF-E4) Zone**

Notwithstanding any other provision of this By-law to the contrary, for the lands located in the CF-E4 Zone within Part of Lot 181, Range “B” South, in the geographic Township of Sherwood (Barry’s Bay), now in the Township of Madawaska Valley, known municipally as 149 Dunn Street, and designated Part 1 on Reference Plan 49R-7469, the following provisions shall apply to a portable annex:

- | | | |
|------|---------------------------|-------------------|
| i) | Side Yard Width (minimum) | 0.5 metres |
| ii) | Rear Yard Depth (minimum) | 0 metres |
| iii) | Parking Required | 0 parking spaces* |

SECTION 19.0 - REQUIREMENTS FOR ENVIRONMENTAL PROTECTION (EP)
ZONE

19.1 PERMITTED USES

No person shall use land or erect or use a building or structure in any EP Zone except for:

(a) Residential Uses

- a single detached dwelling existing at the date of passing of this By-law

(b) Non-Residential Uses

- dam or other water control structure
- erosion control structure
- existing farm
- forestry
- limited farm
- passive recreation
- private park
- public park
- accessory uses, buildings and structures provided such accessory buildings and structures shall not exceed 9.3 square metres in area

19.2 ZONE PROVISIONS

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

- | | |
|--|------------|
| (a) Front Yard Depth (minimum) | 7.5 metres |
| (b) Side Yard Width (minimum) | 3 metres |
| (c) Exterior Side Yard Width (minimum) | 7.5 metres |
| (d) Rear Yard Depth (minimum) | 15 metres |
| (e) Lot Coverage (maximum) | 1% |
| (f) Building Height (maximum) | 5 metres |

19.3 EXCEPTION ZONES

SECTION 20.0 -REQUIREMENTS FOR PROVINCIALY SIGNIFICANT WETLANDS (PSW) ZONE

20.1 PERMITTED USES

No person shall use land or erect or use a building or structure or do any site alteration in any PSW Zone, except for:

(a) Residential Uses

- a dwelling existing at the time of passing of this by-law

(b) Non-residential Uses

- existing farm

20.2 ZONE PROVISIONS**20.3 EXCEPTION ZONES**

(a) Provincially Significant Wetlands – Exception One (PSW-E1) Zone

Notwithstanding any other provisions of this By-law to the contrary, for those lands delineated as Provincially Significant Wetlands – Exception One (PSW-E1), being a 120 m buffer from the PSW Zone as shown on the Schedules inclusive to this By-law, development and site alteration for a single detached dwelling is permitted subject to the following provisions:

- i) The preparation and submission of an Environmental Impact Study (EIS) which demonstrates that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.
- ii) Council shall consult with the Ministry of Natural Resources and the County of Renfrew regarding development and its possible impacts.
- iii) No buildings or structures shall be permitted on lands below the 283.46 metres (930 feet) G.S.C.
- iv) Development on lands above 283.46 metres (930 feet) but below 284.4 metres (933 feet) shall be floodproofed to the floodplain design elevation of 284.7 metres (934 feet).
- v) Driveways and private roads shall be floodproofed to an elevation of 284.0 metres (932 feet).

- vi) An elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer shall accompany an application for a building permit in order to confirm that development is to proceed in accordance with the requirements of this By-law.

(b) Provincially Significant Wetlands – Exception Two (PSW-E2) Zone

Notwithstanding any other provisions of this By-law to the contrary, for the lands located in the PSW-E2 Zone within part of Lots 9 and 10, Concession 1 and part of Lot 10, Concession 2, geographic Township of Radcliffe, a single detached dwelling is permitted subject to the following provisions:

- i) No buildings or structures shall be permitted on lands below the 283.46 metres (930 feet) G.S.C.
- ii) Development on lands above 283.46 metres (930 feet) but below 284.4 metres (933 feet) shall be floodproofed to the floodplain design elevation of 284.7 metres (934 feet).
- iii) Driveways and private roads shall be floodproofed to an elevation of 284.0 metres (932 feet).
- iv) An elevation survey and plot plan prepared by an Ontario Land Surveyor or qualified engineer shall accompany an application for a building permit in order to confirm that development is to proceed in accordance with the requirements of this By-law.

SECTION 21.0 - REQUIREMENTS FOR AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI) ZONE

21.1 PERMITTED USES

No person shall use land or erect or use a building or structure or do any site alteration in any ANSI Zone, except for:

(a) Residential Uses

- a dwelling existing at the time of passing of this by-law

(b) Non-residential Uses

- existing farm

21.2 ZONE PROVISIONS

Notwithstanding any other provisions of this By-law to the contrary, for those lands zoned Areas of Natural and Scientific Interest (ANSI), which includes the ANSI and a 50 metre buffer around the boundary of the ANSI, as shown on the Schedules inclusive to this By-law, development and site alteration for a single detached dwelling is permitted subject to the following provisions:

- i) The preparation and submission of an Environmental Impact Study (EIS) which demonstrates that there will be no negative impacts on the natural features or the ecological functions for which the area is identified; and
- ii) Council shall consult with the Ministry of Natural Resources and the County of Renfrew regarding development and its possible impacts.

21.3 EXCEPTION ZONES

SECTION 22.0 - REQUIREMENTS FOR OPEN SPACE (OS) ZONE**22.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any OS Zone except for:

- (a) Residential Uses
 - prohibited
- (b) Non-Residential Uses
 - buffer strip
 - landscaped open space
 - natural area
 - passive recreation
 - private park
 - public park

22.2 ZONE PROVISIONS

- | | | |
|-----|---|----------|
| (a) | Lot Area (minimum) | NIL |
| (b) | Front Yard Depth (minimum) | NIL |
| (c) | Side Yard Width (minimum) | NIL |
| (d) | Rear Yard Depth (minimum) | NIL |
| (e) | Building Height (maximum) | 5 metres |
| (f) | Accessory Uses, Buildings and Structures: Notwithstanding any Zone Provision of this Zone to the contrary, uses, buildings and structures that are accessory to the permitted uses of this Zone shall be permitted in accordance with the requirements for Accessory Uses, Buildings and Structures in Section 3.0 General Provisions of this By-law. | |

22.3 EXCEPTION ZONES

SECTION 23.0 - REQUIREMENTS FOR SUBURBAN RESERVE (SUR) ZONE**23.1 PERMITTED USES**

No person shall use land or erect or use a building or structure in any SUR Zone except for:

(a) Residential Uses

- existing dwellings

(b) Non-Residential Uses

- passive recreational uses
- existing farms, but not including an intensive farm, and excluding any additional dwellings associated with a farm use
- accessory buildings and structures provided such accessory buildings and structures shall not exceed 9.3 square metres in area

23.2 ZONE PROVISIONS

- | | |
|--------------------------------|-------------|
| (a) Front Yard Depth (minimum) | 10.5 metres |
| (b) Side Yard Width (minimum) | 5 metres |
| (c) Rear Yard Depth (minimum) | 15 metres |
| (d) Building Height (maximum) | 5 metres |

23.3 EXCEPTION ZONES

SECTION 24.0 – ENACTMENT

This By-law shall become effective on the date of passing by Council.

This By-law read a FIRST and SECOND time this _____ day of _____, 20____.

This By-law read a THIRD time and finally passed this _____ day of _____, 20____.

REEVE

CLERK

IMPERIAL – METRIC CONVERSIONS

SPECIFIC LINEAR CONVERSIONS			
0.3	m	=	0.98 ft.
0.5	m	=	1.64 ft.
0.6	m	=	1.97 ft.
0.7	m	=	2.30 ft.
0.9	m	=	2.95 ft.
1.0	m	=	3.28 ft.
1.5	m	=	4.92 ft.
2.0	m	=	6.56 ft.
2.5	m	=	8.20 ft.
2.7	m	=	8.86 ft.
3.0	m	=	9.84 ft.
4.0	m	=	13.12 ft.
5.0	m	=	16.40 ft.
5.5	m	=	18.04 ft.
6.0	m	=	19.69 ft.
7.5	m	=	24.61 ft.
9.0	m	=	29.53 ft.
10.0	m	=	32.81 ft.
10.5	m	=	34.45 ft.
12.0	m	=	39.37 ft.
15.0	m	=	49.21 ft.
18.0	m	=	59.06 ft.
20.0	m	=	65.62 ft.
22.0	m	=	72.18 ft.
23.0	m	=	75.46 ft.
30.0	m	=	98.43 ft.
35.0	m	=	114.83 ft.
38.0	m	=	124.67 ft.
40.0	m	=	131.23 ft.
45.0	m	=	147.64 ft.
46.0	m	=	150.92 ft.
50.0	m	=	164.04 ft.
53.0	m	=	173.88 ft.
60.0	m	=	196.85 ft.
65.0	m	=	213.25 ft.
75.0	m	=	246.06 ft.
90.0	m	=	295.28 ft.
100.0	m	=	328.08 ft.
120.0	m	=	393.70 ft.
150.0	m	=	492.13 ft.
180.0	m	=	590.55 ft.
200.0	m	=	656.17 ft.
750.0	m	=	2460.63 ft.

SPECIFIC AREA CONVERSIONS			
1	m ²	=	10.76 sq. ft.
9	m ²	=	96.88 sq. ft.
51	m ²	=	548.98 sq. ft.
65	m ²	=	699.68 sq. ft.
75	m ²	=	807.32 sq. ft.
93	m ²	=	1001.08 sq. ft.
185	m ²	=	1991.39 sq. ft.
300	m ²	=	3229.28 sq. ft.
600	m ²	=	6458.56 sq. ft.
700	m ²	=	7534.98 sq. ft.
900	m ²	=	9687.84 sq. ft.
1400	m ²	=	15069.97 sq. ft.
1450	m ²	=	15608.18 sq. ft.
1500	m ²	=	16146.39 sq. ft.
1532	m ²	=	16490.85 sq. ft.
2000	m ²	=	21528.53 sq. ft.
2024	m ²	=	21786.87 sq. ft.
2025	m ²	=	21797.63 sq. ft.
2300	m ²	=	24757.80 sq. ft.
2750	m ²	=	29601.72 sq. ft.
2800	m ²	=	30139.94 sq. ft.
3035	m ²	=	32669.54 sq. ft.
3065	m ²	=	32992.47 sq. ft.
3250	m ²	=	34983.85 sq. ft.
4000	m ²	=	43057.05 sq. ft.
4047	m ²	=	43562.97 sq. ft.
1	ha	=	2.47 ac.
1.2	ha	=	2.97 ac.
1.5	ha	=	3.71 ac.
2.0	ha	=	4.94 ac.
10.0	ha	=	24.71 ac.
20.0	ha	=	49.42 ac.
24.0	ha	=	59.30 ac.
40.0	ha	=	98.84 ac.
80.0	ha	=	197.68 ac.