



THE CORPORATION OF THE VILLAGE OF BURK'S FALLS

COMPREHENSIVE ZONING BY-LAW XXXXX

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Village of Burk's Falls:

WHEREAS the Council of the Corporation of the Village of Burk's Falls deems it expedient to implement the Official Plan in effect for the Village of Burk's Falls,

WHEREAS authority is granted under Section 34 of the Planning Act, as amended, to pass this By-law; and,

NOW THEREFORE the Council of the Corporation of the Village of Burk's Falls enacts as follows:

READ a First and Second and Third Time and Finally passed this the xxth day of xxxxx, 202x

1st Reading DATE

2nd Reading DATE

3rd Reading DATE

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1.0 ADMINISTRATION

1.1 Title

This By-law shall be known as "The Village of Burk's Falls Comprehensive Zoning By-law".

1.2 Application

For the purpose of this By-law all the lands within the boundaries of the Municipality are hereby divided into various Zones to which the provisions and regulations herein shall respectively apply.

1.3 Administration

This By-law shall be administered by the By-law Enforcement Officer, Chief Building Official and Clerk/Administrator, or any other person as Council designates.

1.4 Licences and Permits

No municipal permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any of the provisions of this Bylaw.

1.5 Injunction

In case the whole, or any part of, any building or structure is, or is to be, used, erected, structurally altered, enlarged or extended or the whole or any part of any lot is, or is to be used, in contravention of this By-law, such contravention may be restrained by action at the instance of the Municipality or of any ratepayer pursuant to the provisions of all applicable statutes and regulations in force at the time of the contravention.

1.6 Violations and Penalties

Any person guilty of an offence and convicted of a breach of any of the provisions of this By-law shall be liable to a fine not to exceed the maximum amount stipulated in Planning Act, as amended, exclusive of costs, for each offence, and every such penalty shall be recoverable under the Provincial Offences Act.

1.7 Effective Date

This By-law shall come into effect on the date of adoption by the Council of the Village of Burk's Falls, and in accordance with Section 34 of the Planning Act, as amended.

1.8 Application of Regulations

No person shall within any Zone or Exception Zone, use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the Zone or Exception Zone in which such land, building, structure or use is located.

1.9 Incorporation of Zoning Maps

The location and boundaries of the Zones and Exception Zones established by this By-law as shown on Schedule A, Maps 1 through 42 together with everything shown thereon and all succeeding amendments thereto, are hereby incorporated in and declared to form part of this By-law.

1.10 Establishment of Zones

- (a) For the purpose of this By-law Schedule A, Maps 1 and 2 shall be referred to as the Zoning Maps for the Village of Burk's Falls and the Zoning Maps shall be divided into the following Zones and such Zones are shown on the Zoning Maps by symbols consisting of letters and numbers or letters or symbols only as the case may be, as listed below:

ZONE CATEGORY	ZONE SYMBOL
Residential One	R1
Residential Two	R2
Residential Three	R3
Limited Service Residential	LSR
Neighbourhood Commercial	C1
Commercial Core	C2
Highway Commercial	C3
Institutional	I
Employment Area	E
Extractive Industrial	ME
Recreational	RE
Natural Environment	NE
Floodway Zone	F
Future Development	FD

- (b) The symbols listed in subsection a) shall be used to refer to land, buildings, and structures and to the use thereof permitted by this By-law in the said Zones, and whenever in this By-law the word "Zone" is used, preceded by any of the said symbols, such Zones shall mean any area within the Municipality delineated on the Zoning Maps and designated thereon by the said symbol.

1.11 Exception Zones

Certain areas within any of the various Zones or within parts of more than one Zone may be more specifically regulated and such areas shall be known as "Exception Zones". All Zones may be subdivided into one or more Exception Zones which shall be designated by reference to the symbol of the Zone within which each such Exception Zone is located together with an additional symbol - either letter, number, or both so as to differentiate different Exception Zones within a Zone from each other and from other areas within the Zone.

1.12 Interpretation of Zone and Exception Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said zones or Exception Zones as shown on the Zoning Maps, the following shall apply:

- i) The boundary of the Zones or Exception Zone are the centre lines of the road allowance, alleys or the lot lines and the projection thereof, unless otherwise shown;
- ii) Where Zone boundaries or Exception Zone boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary;
- iii) Where Zone boundaries or Exception Zone boundaries are indicated as approximately parallel to the street line and the distance from such street line is not indicated, such Zone boundaries or Exception Zone boundaries shall be construed as being parallel to such street line and the distance therefore shall be determined by the use of the scale shown on the Zoning Maps;
- iv) Where a street, private road, or electrical transmission line right-of-way, or watercourse included on the map is included within the Zone or Exception Zone of the adjoining property on either side, and where such street, private road, right-of-way, or watercourse serves as a boundary between two or more different Zones, Exception Zones or both, a line midway in such street, private road, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between Zones, Exception Zones, or both, unless specifically indicated otherwise;
- v) Where a dedicated street, or right-of-way shown on the map is closed, the property formerly in said street, or right-of-way shall be included within the Zone or Exception Zone of the adjoining property on either side of the said closed street, or right-of-way, and the Zone boundary or Exception Zone boundary shall be the former centreline of said closed street, or right-of-way;
- vi) a Zone or Exception Zone boundary is indicated as following the edge of a watercourse, the boundary shall follow the top of bank of such watercourse and, in the event that the top of bank of such watercourse changes, the boundary shall be taken as having moved with the top of bank;
- vii) Where a Zone or Exception Zone boundary is indicated as following the shoreline of the Magnetawan River, the boundary shall follow the water's edge and, in the event that the water's edge changes, the boundary shall be taken as having moved with the said water's edge;
- viii) Where a Exception Zone boundary appears to follow a Zone boundary it shall be taken as following such Zone boundary;
- ix) Wherever it occurs, the corporate limit of the Municipality is the boundary of the Zone or Exception Zone adjacent to it;
- x) Where any setback is related to a Zone or Exception Zone boundary which has moved under circumstances referred to in subsections vi. and vii., the point of line of reference of such setback shall be taken as equally moved; and/or,
- xi) Where any Zone or Exception Zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps in the office of the Clerk or other Municipal Officer, as designated by Council.

1.13 Interpretation of Words/Phrases

- (a) Minimum Requirements - In interpreting and applying the provisions of this By-law, the said provisions are held to be the minimum requirements. Except for those specifically stated as being maximum, any numerical figures in this By-law shall be the minimum requirements.
- (b) Meaning of Use - Unless the context otherwise requires, the expression "use" or "to use" in this By-law shall include anything done or permitted to be done by the owner or occupant of any land, building, or structure, directly or indirectly, by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.
- (c) Meaning of Shall - In this By-law, the word "shall" shall always be construed as mandatory.
- (d) Meaning of Building or Structure - A "building" or "structure" as defined herein shall include any part thereof.
- (e) Number and Gender - In this By-law, unless the contrary intention appears otherwise, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.
- (f) Special Use Regulations for Exception Zones - To each Exception Zone within any Zone there shall apply such special use regulations as may be established by this By-law with respect to such Exception Zone and, in addition to such special use regulations, all provisions of this By-law including the general regulations applicable to the Zone within which the Exception Zone is located shall apply to the Exception Zone; provided that, and unless a contrary intention appears from the special use regulations:
 - i) If the special use regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the Zone within which the Exception Zone is located, the special use regulations shall supersede and prevail over such corresponding regulations of this Bylaw;
 - ii) If the special use regulations establish one or more specifically permitted uses for the Exception Zone, such permitted use or uses shall be the only purpose or purposes for which the Exception Zones may be used; and,
 - iii) If the special use regulations specifically permit one or more uses in addition to those otherwise permitted in the Zone within which the Exception Zone is located, any and all of the other special use regulations applicable to the Exception Zones shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the Zone.

1.14 Use of Holding Zone (H) Provisions

- (a) Where the zoning applying to any lot includes the symbol (H) suffixed to any Zone symbol, the provisions of the Planning Act shall apply to such lands until such time as the By-law is amended to remove the holding symbol (H).

Application of the (H) symbol indicates that development of the lands is premature at the present time. However, it does indicate the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to this By-law. The Official Plan outlines the criteria to be satisfied in order to remove the holding symbol (H).

- (b) The passing of such an amendment only requires that notice be given of Council's intention to pass the by-law and the earliest date on which Council will meet to consider the matter. Upon adoption there is no further notice of passing required nor any appeal period as with regular zoning by-law amendments. Only the applicant has the right to refer the matter to the Local Planning Appeal Tribunal if Council refuses to pass the by-law.

1.15 Repeal of Existing By-laws

From the coming into force of this by-law, By-law No. 1-2012, as amended by By-law 5-2000, passed under Section 34 of the Planning Act, as amended, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.16 Application of Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other By-law of the Municipality in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any by-law of the Municipality.

1.17 Greater Restrictions of Other Jurisdictions

Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by a governmental authority having jurisdiction to make such restriction.

1.18 Buildings to be Moved

No building, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Chief Building Official.

1.19 Building Permits

In addition to fulfilling the requirements of any by-law enacted pursuant to Section 34 of the Planning Act, as amended, no person shall commence to use any lands or erect, occupy, alter, enlarge or use any buildings or structures until he has applied for and received from the Chief Building Official, a building permit as herein provided.

1.20 Application for Certificate of Occupancy and Building Permit

A Certificate of Occupancy shall be applied for simultaneously with every application for a building permit. Unless deemed unnecessary by the Chief Building Official, such application shall be accompanied by a plan in duplicate, drawn to scale, in metric, and based on a survey by an Ontario Land Surveyor showing and containing:

- i) The true shape and dimensions of the lot to be built upon or otherwise developed;
- ii) The proposed location, grade, height and dimensions of any buildings, structures, use or work proposed for the lot;
- iii) The proposed locations and dimensions of any yards, setbacks, landscaping, off-street parking spaces or off-street loading facilities required by this By-law;
- iv) The location on the lot of every building thereon;
- v) A detailed drawing of each building and structure indicating the type of material to be used;
- vi) A statement, signed by the owner or his agent duly authorized thereunto in writing, disclosing the exact use proposed for each building aforesaid and giving all information necessary to determine whether or not such building and the proposed use thereof conforms with the requirements of this By-law; and,
- vii) The lack of a survey or a mistake does not relieve any person from liability for not complying with the requirements of this By-law, i.e., responsibility is not upon the Municipality, whose rights are preserved even in the case of a mistake of its own Official.

1.21 Certificates of Occupancy

No building or structure which has been erected or altered is to be used or changed in use, in whole or in part, until a Certificate of Occupancy has been issued by the Chief Building Official stating that the proposed use and occupancy of such land, building, or structure, complies with the provisions of this By-law.

2.0 GENERAL PROVISIONS

The provisions of this Section shall apply to all Zones contained in the By-law except as otherwise indicated. These provisions shall be in addition, where applicable, to the specific provisions included in this By-law for each Zone category.

2.1 Accessory Uses and Buildings

2.1.1 Accessory Buildings

- (a) Where this By-law permits a lot to be used, or a building or structure to be erected or used for a purpose, that purpose shall include any accessory building, structure or use. No accessory building or structure shall be used as a dwelling unit or part thereof, with the exception of an additional residential unit (detached), as defined and regulated in this By-law.
- (b) No accessory building or accessory use shall be constructed or established on any lot or site until the main building has commenced construction. The Village may consider the passage of a "Temporary Use" By-law to provide for the construction of an accessory building or use, where, in the opinion of the Council, such a Temporary Use meets the requirements of Section 7.4 of the Village of Burk's Falls Official Plan.
- (c) No accessory building or structure shall be located within a front yard. Accessory buildings are permitted within side or rear yards in accordance with corresponding regulations from each Zone category. Within the Natural Environment (NE) and Floodway (F) Zones, Accessory Buildings shall be set back a minimum of 6 metres from any Lot Line that abuts a Public Street.
- (d) Accessory Buildings that are greater than 10 square metres of gross floor area shall comply with the minimum interior side, exterior side and rear yard setbacks of the zone in which it is located, unless otherwise permitted in this By-law.
- (e) The maximum lot coverage of any accessory building or accessory buildings on any lot shall be no greater than 15% of the lot area.
- (f) The maximum height of any Accessory Building shall be 5.0 metres.

2.1.2 Additional Residential Units

- (a) A maximum of two (2) Additional Residential Units (one (1) attached and one (1) detached) may be permitted in association with a single detached dwelling, semi-detached dwelling, or townhome dwelling in accordance with the regulations specified by the Zone category in which the Additional Residential Unit is permitted.
- (b) Additional Residential Unit (Attached)
 - i) A maximum of one Additional Residential Unit (attached) shall be permitted within the same building as a single detached dwelling or semi-detached dwelling, with or without an Additional Residential Unit (detached);
 - ii) The Additional Residential Unit (attached) shall be built in accordance with all relevant regulations within both the Building Code and Fire Code;
 - iii) The primary dwelling and the Additional Residential Unit (attached) shall be connected to full municipal sanitary sewer and water services;

- iv) The gross floor area of the Additional Residential Unit (attached) shall be limited to a minimum of 450 sq ft to a maximum of 50 percent of the gross floor area of the primary dwelling unit, measured prior to the development of the Additional Residential Unit (attached); and,
- (c) Additional Residential Unit (Detached)
- i) The Additional Residential Unit (detached) shall only be permitted on the same lot as a single detached dwelling, or semi-detached dwelling, with or without one Additional Residential Unit (attached);
 - ii) The Additional Residential Unit (detached) shall not be severed from the lot containing the single detached dwelling, or semi-detached dwelling;
 - iii) The Additional Residential Unit (detached) shall be built in accordance with all relevant regulations of both the Building Code and Fire Code;
 - iv) The primary dwelling and the Additional Residential Unit (detached) shall be connected to full municipal sanitary sewer and water services;
 - v) The gross floor area of the Additional Residential Unit (detached) shall be limited to a minimum floor area of 37 sq. metres and a maximum of 75 square metres;
 - vi) The additional Residential Unit (detached) shall be placed upon a permanent footing/foundation; and,
 - vii) Tenants of an Additional Residential Unit (detached) must not be required to access the unit through the primary dwelling unit.

As such, an Additional Residential Unit (detached) must have direct pedestrian access from a public street or laneway. A direct pedestrian access may be by an unobstructed walkway that is built in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act.

2.1.3 Home Industries

Home industries are subject to the following regulations:

- i) It is an accessory use permitted only within Residential Type One (R1) Zone;
- ii) Shall be confined to an accessory structure that complies with all applicable provisions of Section 3.1 and the R1 Zone; and,
- iii) Shall not exceed 75 square metres in gross floor area.

2.1.4 Home Occupations

Within any Residential Dwelling Unit, a Home Occupation:

- i) Is clearly an accessory use, secondary to the primary residential use and shall be contained entirely within the dwelling unit;
- ii) Is small in scale, occupying a maximum of 25 percent of the Gross Floor Area of the dwelling unit, up to a maximum of 50 square metres of Gross Floor Area, whichever is less;
- iii) Shall accommodate the activities of members of the household residing on the premises, and shall offer for sale only services and merchandise offered or produced on the premises;
- iv) Shall not be within an attached garage, or any accessory building; v) Does not alter the exterior character of the primary residential building as a residence, except for one lawful sign and does not have any outdoor/open storage of materials, equipment or goods associated with the home occupation; and,

- v) Shall not create a public nuisance with respect to noise, traffic or parking. All parking spaces shall be provided on the same lot as the home occupation, and shall be provided in accordance with the requirements of Section 2.52.
- vi) There shall be no external display of advertising other than a nonilluminated sign not exceeding 0.36 square metres (3.88 ft.²) in area and the highest point of the sign or supporting post shall not be higher than 1.2 m. (3.94 ft.) above the surrounding average grade level to indicate to persons outside that any part of the dwelling or lot is being used for a purpose other than residential.
- vii) There shall be no outside storage or outside display of materials, supplies, equipment, tools, products or goods which are used for, or
- viii) There shall be no equipment or process used which creates noise, vibration, glare, fumes, odours, or electrical interference in excess of that normally experienced in a residential neighbourhood.

2.2 Cannabis Production and Processing

Cannabis Production and processing, as defined herein, shall only be permitted within the Employment (E) Zone. Notwithstanding any other provision of this By-law, any Cannabis Production and Processing shall be subject to the following provisions:

- i) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment may be located closer than 70 metres to any Residential Zone (R1, R2, and R3), Institutional (I) Zone, or Recreational (RE) Zone.
- ii) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control may be located closer than 150 metres to any dwelling on a separate lot or other sensitive land use.
- iii) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control may be located closer than 300 metres to any dwelling on a separate lot or other sensitive land use.
- iv) A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard.
- v) Outdoor storage is prohibited on the property in which the Cannabis Production and Processing is located.
- vi) Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law.
- vii) All development in relation to the establishment of or expansion to Cannabis Production and Processing shall be subject to Site Plan Control.

2.3 Construction Uses

The following temporary structures shall be permitted in all Zones for on-going construction work, but only for as long as such structure is necessary, and such construction work has not been finished nor abandoned:

- i) Construction trailers, sea/shipping containers and tool sheds; and,
- ii) Scaffolds or other temporary structures incidental to and necessary to support the construction activity.

2.4 Deeming of Non-Complying Buildings or Structures

All buildings or structures erected in any Zone prior to the date of passing of this By-law that no longer comply with the provisions of the Zone within which it is located shall be deemed to be legal non-complying to the provisions of the applicable Zone in which it is located, provided that said building or structure was constructed legally in accordance with the applicable requirements in force and effect at the time of construction. Nothing in this By-law shall:

- i) Prevent the repair or restoration of any existing, noncomplying building or structure, or part thereof, to a safe condition provided that such repair or restoration does not increase the height, area or density of such building or structure and that the building or structure continues to be used for the same purpose and in the same manner as it was used on the date of passing of this By-law; and,
- ii) Prevent an extension or an addition to a building or structure which is non-complying to this By-law provided that such extension or addition does not contravene any provision of this By-law or cause further increase to the non-compliance.

2.5 Deeming of Non-Conforming Uses

A non-conforming use means that the lot and/or the buildings and structures on the lot are being used for a use that is not permitted by this By-law. Nothing in this By-law shall:

- i) Make legal any use of any land, building or structure which was illegal under any previous Zoning By-law applicable within the Village of Burk's Falls and which continues to be illegal under the provisions of this By-law;
- ii) Prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was legally used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose;
- iii) Prevent the re-establishment of a non-conforming use provided that the non-conforming use has been discontinued due to restoration, renovation purposes, or as a result of change in ownership and/or tenancy, and that the period of discontinuity has been for no longer than a period of 180 days; and,
- iv) Prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit had been issued under The Ontario Building Code Act, as amended, prior to the date of passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked in accordance with The Ontario Building Code Act, as amended.

2.6 Non-conforming Uses within any Groundwater Protection Zone

- (a) Notwithstanding the provisions of Section 3.4 of this By-law to the contrary, in considering applications pertaining to enlargements, or extensions of buildings or structures, or pertaining to changes in uses legally existing at the time of the approval of the Official Plan, Council shall have regard to the manner in which uses have been classified into Category A, B and C uses when determining if a proposed use is more compatible than the existing use.
- (b) When considering enlargements or extensions, the Council shall impose conditions requiring construction standards and techniques that will minimize the degradation of ground or surface water quality, as appropriate.

2.7 Easement

Notwithstanding any other provision of this By-law to the contrary, no part of any easement in favour of the Village or public utility shall be obstructed by any structure, or building, from the ground to the sky unless written approval has been obtained by the applicable authority.

2.8 Fences

Fence regulations will be included in a separate By-law adopted under the Municipal Act, and all fences will be subject to the regulations contained therein, and are not subject to this By-law.

2.9 Floodway Limits for Magnetawan River

Waterbody	Conservative Estimate of Regulatory Flood Elevation
Magnetawan River at High Street	295.0 masl
Magnetawan River above Dam	294.5 masl
Magnetawan River below Dam	286.5 masl

2.10 Frontage on a Public Road

- (a) No building or structure may be developed in any Zone unless the lot upon which such building or structure is to be erected fronts upon an open publicly owned and maintained public road.
- (b) For the purpose of this By-law a public road does not include an unopened road allowance, or an unassumed road on a Registered Plan which has been deemed not to be a Registered Plan under the provisions of the Planning Act, as amended.
- (c) The above provisions shall not apply to prohibit the erection of any building on a lot on a Registered Plan of Subdivision or a Registered Plan of Condominium where a subdivision or condominium agreement has been entered into, but the public roads will not be assumed until the end of the maintenance period.

2.11 Height Exemption

Any height limitations stipulated by this By-law shall not apply to church spires, belfries, cupolas or mechanical penthouses which are not used as a dwelling unit. In addition, chimneys; ventilators; flagpoles; skylights; water tanks; windsocks; solar collectors; windmills; silos; grain elevators; movie screens; telecommunications towers; public utilities or similar structures, are not subject to the height limitations of this By-law, nor do the height limitations apply to any necessary mechanical structures or electrical supply facilities usually situated above the roof level.

2.12 Loading Space Requirements

2.12.1 General Loading Space Requirements

- (a) Required loading spaces shall be located in rear and side yards. No loading space may be located within any required front yard.
- (b) Loading space(s) shall be provided in accordance with the following general provisions:
 - i) Required general loading spaces shall be provided on the same lot occupied by the building or structure which requires such loading spaces but shall not form part of any driveway;
 - ii) Access to loading spaces shall be provided by one or more driveways which have a minimum unobstructed width of at least 4.6 metres;
 - iii) All loading spaces and driveways shall be provided and maintained with a stable surface which is treated in a manner to prevent the raising of dust or loose particles and shall be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots; and,
 - iv) When a building or structure has insufficient loading spaces, to comply with the applicable requirements on the date of passing of this By-law, it shall not be interpreted that the deficiency be rectified. If any addition is made to the building or structure which increases the total floor area, additional loading spaces shall be provided, as required, for the total floor area of such addition.

2.12.2 Residential Loading Space Requirements

A minimum of one loading space shall be provided and maintained for every apartment building, and every mixed-use building that has more than five dwelling units. Each required loading space shall have minimum dimensions of 10.0 metres long, 4.5 metres wide and a minimum vertical clearance of 4.0 metres.

2.13 Lots with less Lot Area and/or Lot Frontage than Required

Where a conveyable lot existing on the date of passing of this By-law had less than the minimum lot area and/or lot frontage than that required by this By-law, or where a lot was or is created as a result of an expropriation, or conveyance to the municipality or other applicable road authority, such lot may be used and a building or structure may be altered, erected or used on such lot provided that the use, building or structure is permitted in the Zone and all other requirements of this By-law are met.

2.14 Lots with more than One Zone

Where a lot is included within two or more Zones, each portion of the lot shall be used in accordance with the provisions of the applicable Zone.

2.15 Model Homes

Notwithstanding the provisions of this By-law, model home, temporary sales office use and associated parking are permitted in any Zone, provided said uses are located on lands within a draft approved or registered plan of subdivision and have been approved by way of an agreement with the Town. The number of model homes to be permitted shall be identified in the agreement.

2.16 Outside lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, storage areas, buildings or decorative building elements shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

2.17 Outdoor Open Storage

In addition to the applicable Zone provisions, except for any outdoor open storage permitted in conjunction with a permitted agricultural use, the following shall apply:

- i) Outdoor open storage is only permitted as an accessory use to a permitted industrial use located on the same property;
- ii) No outdoor open storage shall be permitted in any front or exterior side yard;
- iii) All outdoor open storage areas shall be screened from view from any street or Residential Zone with a landscaped planting strip and a screen fence or decorative wall, or combination thereof. The required screen fence or decorative wall shall be no less than 2.0 metres in height;
- iv) Outdoor open storage shall not be located closer than 10.0 metres to a street;
- v) Outdoor open storage shall not exceed 3.0 metres in height; and, vi) No parking spaces or loading spaces, as required by this Bylaw, shall be used for purposes of outdoor open storage.

2.18 Parking Regulations

2.18.1 Dimensions of Parking Spaces

- (a) Each parking space shall have a minimum width of 2.75 metres and minimum length of 5.5 metres, except for a parallel parking space which shall have a minimum width of 2.5 metres and a minimum length of 6.1 metres.
- (b) Notwithstanding the minimum length dimensions of this provision, where a parking space is provided in any R1, R2 or R3 Zone that abuts a municipal sidewalk, said parking space shall have a minimum length of 6.0 metres.

2.18.2 General Parking Space Provisions

- (a) The owner of any building, structure or use shall provide and maintain parking spaces on the same lot and within the same Zone as the building, structure or use requiring said parking spaces, unless otherwise permitted by this By-law, in accordance with the criteria of each Zone and the parking provisions of this By-law. Use of Parking Spaces
- (b) Parking spaces required by this By-law shall be used only for the parking of operative motor vehicles bearing a valid motor vehicle licence plate and for vehicles normally incidental to the permitted uses for which such parking spaces are required.
- (c) Where the calculation of parking requirements results in a fraction of a parking space being required such fraction shall be considered one parking space for the purpose of determining the total number of parking spaces required for the use.
- (d) When a building, structure or lot contains more than one type of use, the parking space requirement for all uses on the lot shall be the sum of the requirements for each separate use unless otherwise specified in this By-law. For a Shopping Centre, parking requirements may be averaged in recognition of the opportunities to share the parking facilities among uses.
- (e) Where parking is required under this Section, parking for employees and/or occupants of Additional Residential Units may be provided on the Lot in tandem to a maximum of two vehicles parked in tandem.
- (f) Where any alteration or enlargement of an existing commercial building or structure is no greater than 10 percent of the gross floor area of the building on the effective date of this By-law, there shall be no additional parking spaces required.
- (g) Off-street parking for motor vehicles shall be provided at the rate set out below:

Residential Uses	Off-Street Parking Requirement
Apartment Dwellings	1.5 parking spaces per unit
Additional Residential Units	1 parking space per Additional Residential Unit. Parking for occupants of Additional Residential Units may be provided on the lot in tandem to a maximum of two vehicles parked in tandem
Single Detached Dwelling, Semi-Detached Dwelling, Triplex Dwelling, Fourplex Dwelling, Multiple Dwelling, Townhouses,	2 parking spaces per dwelling unit
Bed and Breakfast Facilities	2 spaces for the single detached dwelling, plus 1 parking space per guest room
Lodging House	1 space per 2 beds
Commercial Uses	Off-Street Parking Requirement
Hotel	1 parking space per guest room, plus 1 space/employee/shift, plus the required parking spaces for any accessory uses
Restaurant, Adult Entertainment Facility	10 spaces/100m ² of GFA
Retail and Service Commercial Uses	4.25 spaces/100m ² of GFA
Auto-Oriented Uses	5 parking spaces, or 3 spaces/100 m ² of GFA, whichever is greater
Industrial Uses	Off-Street Parking Requirement
All Industrial Uses	2 spaces/100m ² of GFA
Associated Retail Sales	4 spaces/100m ² of GFA or 1 space/employee/shift
Recreation/Entertainment Uses	Off-Street Parking Requirement
Entertainment Facility, Recreation Facility	4 spaces/100m ² of GFA

Cultural Facilities and Emergency Service Facilities	Off-Street Parking Requirement
Cultural Facility, Emergency Service Facility, and Institutional Uses	3 spaces/100m ² of GFA
Public Elementary School	1.5 parking spaces per classroom or teaching area, plus 10 spaces/100m ² of GFA in the auditorium/ gymnasium
Public Secondary School, Commercial School	5 parking spaces per classroom or teaching area, plus 10 spaces/100m ² of GFA in the auditorium/ gymnasium
Place of Worship	1 parking space per 3 person design capacity
Day Care Facilities	2.5 spaces/100m ² of GFA
Long Term Care Facility, Residential Care Home	0.3 spaces per occupied room, plus 1 space/employee/shift
Group Home, Respite Care Facility, Emergency Housing Facility, Community House, Any other Special Needs Housing Facility not listed herein	2 spaces, plus 0.5 of a space per bed

2.18.3 Accessible Parking Regulations

- (a) Specially designated spaces shall be provided for use by persons with disabilities in parking areas serving commercial, institutional, industrial and multi-residential developments.
- (b) Two types of parking spaces for the use by persons with disabilities are:
 - i) A "Type A" parking space is required to be a minimum width of 3.4 metres and signage that identifies that the space is "van accessible"; and,
 - ii) A "Type B" parking space is required to be a minimum width of 2.6 metres. Between a "Type A" and a "Type B" parking space an access aisle of 1.5 metres must be marked and provided.
- (c) All accessible parking spaces are to be provided, painted, maintained, and signed "reserved parking for the use of persons with disabilities", in accordance with the following table:

Total Number of Parking Spaces in the Parking Area	Required Number of Accessible Parking Spaces Required
1-25	1 A-type space
26-50	1 A-type space plus 1 B-type space
51-100	2 A-Type spaces and 2 B-type spaces
Greater than 100	As per Ontario Regulation 413/12 of the <i>Ontarians with Disabilities Act</i>

2.18.4 Bicycle Parking Regulations

Bicycle parking facilities shall be required at a rate of 0.5 of a space per dwelling unit for all apartment buildings, and the residential components of any permitted mixed-use building within any Zone, constructed after the effective date of this By-law. These required bicycle parking facilities shall be fully enclosed within the building envelope.

2.19 Pits and Quarries

The establishment of pits or quarries is prohibited within the area covered by the By-law, except where existing pits and/or quarries are permitted in locations identified within the Mineral Extraction (ME) Zone and in accordance with the provisions of the ME Zone.

2.20 Prohibited Forms of Dwelling Units

No truck, bus, coach, street car body, or railway car, or other motor vehicle whether or not the same is mounted on wheels or other form of mounting or foundation, nor temporary structures such as tents, recreational vehicles, shipping containers and school portables, shall be used as a dwelling unit except for a mobile home or trailer where specifically permitted by this By-law.

2.21 Shipping or Storage Container Regulations

A shipping or storage container shall be permitted as an accessory building within Village in accordance with the following:

- (a) The container shall be restricted to storage only. It shall not be used as a dwelling or for any gainful occupation.
- (b) The container meets all provisions of Section 3.1 of this By-law.
- (c) A maximum of one (1) container shall be permitted within Residential Zones.
- (d) A maximum of two (2) containers shall be permitted within Commercial, Recreational, and Employment Zones.
- (e) Containers shall not be stacked on top of another.
- (f) Containers shall not exceed the length of 12 metres.
- (g) Containers shall comply with the Ontario Building Code, where applicable.
- (h) Containers shall be buffered from adjacent properties with a visual barrier, either fence or tree line, to the same height of the container.
- (i) Shall be maintained in good condition free from rust, peeling paint and any other form of visible deterioration.

2.22 Servicing Requirements

- (a) No person shall erect any building or structure in any Zone within the Village of Burk's Falls, as identified in the Village's Official Plan, unless such building or structure is serviced by piped municipal water and piped municipal sanitary services, to the satisfaction of the Village.
- (b) Buildings and structures within the Limited Service designation, as identified in the Village's Official Plan, shall be provided with adequate and appropriate individual privately owned and maintained sewage treatment facilities, and is serviced by a municipal piped water supply, to the satisfaction of the Village.

2.23 Short Term Accommodation

Short Term Accommodation, as defined herein, shall be permitted within the Village subject to the following provisions:

- (a) Short term accommodation uses are only permitted within the R1, R2, or C2 only.
- (b) A short term accommodation use shall have a maximum of three (3) bedrooms
- (c) One (1) enclosed waste/recycling depot consisting of a self-enclosed building, structure or container, located outside of the short term accommodation, of sufficient size that it will store the garbage and waste generated by the premises until such garbage and waste is disposed of.
- (d) The number of parking spaces shall be provided in accordance with residential uses, together with 1 parking space shall be provided for each room rented
- (e) Short term accommodation within the entire Village shall be subject to a licensing system under the Municipal Act.

2.24 Sight Triangles

- (a) On any corner lot, in any Zone, a sight triangle shall be required. The required site triangle shall be a minimum of 4.6m x 4.6m. Greater site triangles may be required by the Village. Further, within any Zone, any building, structure or use which would obstruct or impair the vision of an operator of a motor vehicle, including any fence or vegetation which exceeds 0.6 metres above the grade of the streets that abut the lot, shall be prohibited.
- (b) Any required sight triangle shall be counted toward fulfilling the landscaped planting strip requirements of this By-law.
- (c) Notwithstanding the requirements of this By-law, the sight triangle provisions of the Province of Ontario shall apply to all roads within their jurisdiction.

2.25 Signs

Sign regulations will be included in a separate By-law adopted under the Municipal Act, and all signage will be subject to the regulations contained therein.

2.26 Source Water Protection

On lands located with the Groundwater Protection Area, as shown on Schedule A to this By-law, the following shall apply:

- (a) the storing or handling of the following shall not be permitted:
 - i) agricultural source material;
 - ii) non-agricultural source material;
 - iii) commercial fertilizer;
 - iv) pesticides;
 - v) road salt;
 - vi) snow;
 - vii) fuel;
 - viii) Dense non-aqueous phase liquids (DNAPLs);
 - ix) Organic solvents;
- (b) New on-site sewage systems shall be prohibited; and
- (c) Any non-residential use that is proposed that has the potential to use or store any items listed above shall be prohibited until it is demonstrated to the satisfaction of the Risk Management Official, or other duly qualified professional, that the use does not represent a significant drinking water threat.

2.27 Special Setbacks - Provincial Highways and Railway Lines

Notwithstanding any other provision of this By-law, minimum yard requirements for any buildings or structures or signs adjacent to any Provincial Highway or railway line shall be as required by the Ministry of Transportation or the applicable railway authority. Where the requirements of the Ministry of Transportation or railway authority are less restrictive than the requirements of this By-law, this By-law shall prevail.

2.28 Swimming Pools

Swimming pool regulations will be included in a separate By-law adopted under the Municipal Act, and all swimming pools will be subject to the regulations contained therein.

2.29 Uses Permitted In all Zones

- (a) Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:
 - i) Conservation Uses;
 - ii) Public and Private Utilities; and,
 - iii) Any sign or notice of the municipality or other government authority.
- (b) Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone, with the exception of the Floodway (F) Zone, for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:
 - i) Required vehicular, accessible and bicycle parking facilities, where accessory to a permitted use on the same lot; and,
 - ii) Transportation infrastructure, including public streets, transit facilities, any properly authorized traffic sign or signal, or a railway line.
- (c) Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone, with the exception of the Natural Environment (NE) Zone and the Floodway (F) Zone, for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:
 - i) Emergency Service Facilities, except that Emergency Service Facilities are specifically prohibited within the Natural Environment (NE) and Floodway (F) Zones.

2.30 Uses Prohibited in all Zones

Notwithstanding any other provision of this By-law, noxious and offensive uses, as defined by this By-law, shall not be permitted in any Zone.

2.31 Non-Compliance Resulting from Conveyance or Expropriations

Notwithstanding any other provision of this By-law, to the contrary, any non-compliance that is created as result of a conveyance to and/or an expropriation by a public authority is deemed for the purposes of this By-law to be compliant with all applicable provisions of this By-law. Furthermore, any and all existing buildings and structures situated on a lot affected by such a conveyance and/or expropriation may be enlarged, reconstructed, repaired, renovated or replaced provided that the enlargement, reconstruction, repair, renovation or replacement of the existing buildings or structures complies with all other applicable requirements of this By-law.

2.32 Yard Encroachments

Except as otherwise provided by this By-law, no part of any required yard shall be obstructed by any structure or building, or part thereof, from the ground to the sky except as follows:

Structure	Yard into Which Encroachment is Permitted	Maximum Encroachment Permitted into Yard
Sills, belt courses, cornices, chimney breasts, bay window, pilasters, eaves or gutters, wall overhangs/cantilevered walls	All Yards	0.6 m
Balconies, canopies, awnings, steps, unenclosed porches with or without roofs, or decks	Required front yard, rear yard, and exterior yard	Front Yard and exterior side yard - 1.5 m Rear Yards - 4.0 m
Fire escapes or exterior staircases	Required exterior side yard and rear yard	1.5 m
Unenclosed ramps for wheelchair access, flag or clothes poles, private utility infrastructure	All yards	100%

3.0 RESIDENTIAL ZONES

The Residential Districts support a variety of housing and building types, as well as uses supporting neighbourhood living. Development within the Residential Districts will contribute to the creation of accessible, compact, connected and walkable / bikeable neighbourhoods, with a wide range of community assets, such as parks, schools, mixed use areas within easy access.

3.1 Residential One (R1) Zone

3.1.1 Permitted Buildings and Uses

No land, building, or structures shall be used or erected in the R1 Zone except for:

- Single Detached Dwellings
- Semi-Detached Dwellings
- Special Needs Housing, in a built form otherwise permitted in this zone
- Lodging House, in a built form otherwise permitted in this zone
- Parks and Open Spaces

3.1.2 Permitted Accessory Buildings and Uses

Permitted uses that are accessory to the permitted uses in the R1 Zone and may also include:

- Home Occupations
- Additional Residential Units

3.1.3 Zone Regulations

Minimum Lot Area	450 m ² 270 m ²	for single detached dwellings for semi-detached dwelling (per unit)
Minimum Lot Frontage	15.0 m 9.0 m	for single detached dwelling for semi-detached dwelling (per unit)
Minimum Lot Depth	30.0 m	
Minimum Landscaped Open Space	30%	
Minimum Front Yard	6.0 m	
Minimum Rear Yard	7.5 m	
Minimum Exterior Side Yard	3.0 m	
Minimum Interior Side Yard	1.5 m	
Maximum Building Height	10.5 m	
Parking Location	No parking is permitted in the front or exterior side yards within the R1 Zone, unless it is located on a permitted driveway.	

3.1.4 Exceptions

(RESERVED)

3.1.5 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential One (R1) Zone shall apply.

3.2 Residential Two (R2) Zone

3.2.1 Permitted Buildings and Uses

No land, building, or structures shall be used or erected in the R2 Zone except for:

- Single-Detached Dwellings;
- Semi-Detached Dwellings;
- Duplex, Triplex and Fourplex Dwellings;
- Street Townhouse Dwellings;
- Special Needs Housing;
- Lodging Houses; and,
- Parks and Open Spaces.

3.2.2 Permitted Accessory Buildings and Uses

Permitted uses that are accessory to the permitted uses in the R2 Zone and may also include:

- Home Occupations; and,
- Additional Residential Units (Single-Detached, Semi-Detached, only)

3.2.3 Zone Regulations

Minimum Lot Area	450 m ²	for single detached dwellings or lodging house
	270 m ²	of lot area per unit for semi-detached dwelling, duplex, triplex, fourplex or street townhouse dwellings, and For Special Needs Housing, the minimum lot area for the form of dwelling permitted in this Zone, or 133 m ² of lot area per unit
Minimum Lot Frontage	15.0 m	for single detached or lodging house
	9.0 m	of lot frontage per unit for semi-detached, triplex, or fourplex dwelling
	9.0 m	of lot frontage/unit, maximum 6 units per row for Street Townhouses; and, For Special Needs Housing, the minimum lot frontage will correspond to the requirements for the form of dwelling within which it is to be accommodated.

Minimum Lot Depth	30.0 m	
Minimum Landscaped Open Space	30%	
Minimum Front Yard	6.0 m	
Minimum Rear Yard	7.5 m	
Minimum Exterior Side Yard	3.0 m	
Minimum Interior Side Yard	1.2 m	
Maximum Building Height	10.5 m	
Garage Projection	In no case, shall the front wall of an attached garage extend beyond the main front wall of the permitted dwelling by more than 1.0 m.	
Parking Location	No parking is permitted in the front or exterior side yards within the R1 Zone, unless it is located on a permitted driveway.	

3.2.4 Exception Zones

(RESERVED)

3.2.5 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Two (R2) Zone shall apply.

3.3 Residential Three (R3) Zone

3.3.1 Permitted Buildings and Uses

No land, building, or structures shall be used or erected in the R3 Zone except for:

- Block Townhouse Dwellings;
- Apartment Dwellings in an Apartment Building;
- Special Needs Housing; and,
- Parks and Open Spaces.

3.3.2 Permitted Accessory Buildings and Uses

Permitted uses that are accessory to the permitted uses in the R3 Zone and may also include Home Occupations

3.3.3 Zone Regulations

Minimum Lot Area	200 m ² per unit	Block Townhouse Dwellings
	133 m ² per unit	Apartment Dwellings in an Apartment Building;
		For permitted Special Needs Housing, 133m ² of lot area per unit, or 60m ² per bed, whichever is greater.
Minimum Lot Frontage	22.5 m	Block Townhouse Dwellings
	30.0 m	For a lot wholly containing an Apartment Building
Minimum Landscaped Planting Strip	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	30%	Block Townhouse Dwellings
	20%	Apartment Dwellings in an Apartment Building
Minimum Front Yard	4.5 m	
Minimum Rear Yard	7.5 m	
Minimum Exterior Side Yard	3.0 m	
Minimum Interior Side Yard	1.2 m	Block Townhouse Dwellings
	3.0 m	Apartment Buildings
Maximum Building Height	15.0 m	
Parking Location	No parking is permitted in the front or exterior side yards	

3.3.4 Exception Zones

(RESERVED)

3.3.5 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Three (R3) Zone shall apply.

3.4 Limited Service Residential (LSR) Zone

No person shall with a Limited Service Residential (LSR) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

3.4.1 Permitted Uses

- a single detached dwelling in accordance with Section 3.19
- a seasonal dwelling in accordance with Section 3.19
- a home occupation
- a private or public park

3.4.2 Zone Regulations

Minimum Lot Area	1,000 m ²
Minimum Lot Frontage	30.0 m
Minimum Lot Depth	46 m
Minimum Landscaped Open Space	20%
Minimum Front Yard	6.0 m
Minimum Rear Yard	7.5 m
Minimum Exterior Side Yard	6.0 m
Minimum Interior Side Yard	3.0 m
Maximum Building Height	10.5 m

3.4.3 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Limited Service Residential (LSR) Zone shall apply

4.0 NEIGHBOURHOOD SUPPORTING USE ZONES

The Neighbourhood Supporting Uses zones are intended to accommodate a range of uses to support the daily needs of residents, such as schools, day care, small scale commercial uses and parks. The type and scale of development permitted in these zones can be easily integrated into neighbourhoods, within walking distance or most residents, and will contribute to more liveable and healthy communities.

4.1 Institutional Zone (I)

4.1.1 Permitted Buildings and Uses

- Institutional Uses;
- Special Needs Housing;
- Day Care Facilities; and,
- Parks and Open Spaces.

4.1.2 Zone Regulations

Minimum Lot Area	550 m ² For permitted Special Needs Housing, 133m ² of lot area per unit, or 60m ² per bed, whichever is greater.	
Minimum Lot Frontage	30.0 m	
Minimum Landscaped Planting Strip	1.5m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	20%	
Minimum Front Yard	9.0 m	
Minimum Rear Yard	9.0 m	
Minimum Exterior Side Yard	6.0 m	
Minimum Interior Side Yard	6.0 m	
Maximum Building Height	15.0 m	

4.1.3 Exception Zones

(RESERVED)

4.1.4 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Institutional (I) Zone shall apply.

4.2 Neighbourhood Commercial Zone (C1)

4.2.1 Permitted Buildings and Uses

No land, building, or structures shall be used or erected in the C1 Zone except for:

- Retail and Service Commercial Uses;
- Office Uses;
- Day Care Facilities; and,
- Parks and Open Spaces.

4.2.2 Zone Regulations

Minimum Lot Area	550 m ²	
Maximum GFA per Use	500 m ²	
Minimum Lot Frontage	15.0 m	
Minimum Landscaped Planting Strip	1.5m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	10%	
Minimum Front Yard	6.0 m	
Minimum Rear Yard	4.5 m	
Minimum Exterior Side Yard	4.5 m	
Minimum Interior Side Yard	4.5 m	
Maximum Building Height	10.0 m	

4.2.3 Exception Zones

(RESERVED)

4.2.4 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Neighbourhood Commercial (C1) Zone shall apply.

5.0 COMMERCIAL USE ZONES

5.1 Commercial Core (C2) Zone

The Commercial Core represents a key component of the Village's urban structure, and is a focal point for major retail, commercial and institutional development. This area is intended to facilitate the development of a broad range of uses, including higher density residential uses, promote good urban design. These objectives will be achieved through encouraging compact built form, walkability and a mix of uses, supported by street-edge buildings with parking to the side and rear.

5.1.1 Permitted Buildings and Uses

- Accessory Uses
- Apartment Dwellings in a Mixed-Use Building
- Commercial Schools
- Convention/ Conference Facilities
- Day Care Facilities
- Financial Institutions
- Funeral Homes
- Hotels
- Medical Offices/Clinics
- Offices
- Parks and Open Spaces
- Pet Grooming
- Special Needs Housing
- Recreational, Entertainment and Cultural Facilities
- Restaurants
- Retail Uses and Service Commercial Uses
- Taxi or Bus Depot
- Veterinary Offices/Clinics

5.1.2 Zone Regulations

Minimum Lot Area	133 m ² lot area/unit	Apartment Dwellings in a Mixed-Use Building;
	200 m ² lot area/unit	Live-Work Units;
	300 m ²	All other Permitted uses
	For permitted Special Needs Housing, 133m ² of lot area per unit, or 60m ² of lot area per bed, whichever is greater.	
Maximum GFA per Use	500 m ²	
Minimum Landscaped Planting Strip	where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	10%	
Minimum Front Yard	0.0 m	
Minimum Rear Yard	7.5 m	
Minimum Exterior Side Yard	3.0 m	
Minimum Interior Side Yard	0.0 m	
	4.5 m	where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.
Maximum Lot Coverage	80%	
Minimum First Floor Height	3.25 m	
Maximum Building Height	11.0 m	
Parking and Loading	Vehicle parking and loading facilities shall be located in rear and side yards. No vehicular parking or loading facilities may be located within any front yard.	

5.1.3 Regulations for Apartment Dwellings

Within the C2 Zone, apartment dwellings will generally be located on the upper floors of commercial establishments. An apartment dwelling unit or dwelling units may be permitted on the ground floor of a commercial establishment, provided that such unit are located to the rear of a commercial use and provided that the required separations between the two uses are in place. In no case shall the ground floor apartment unit(s) occupy more than 50% of the ground floor area. For the purposes of this regulation, one (1) or more apartment dwellings may be permitted.

5.1.4 Exception Zones

(RESERVED)

5.1.5 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Commercial Core (C2) Zone shall apply.

5.2 Highway Commercial (C3) Zone

5.2.1 Permitted Uses and Buildings

Within any Highway Commercial Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- Accessory Use
- Agricultural Service Establishment
- Assembly Hall
- Auction House
- Auto-Oriented Uses
- Commercial School
- Contractor's Facilities
- Courier Service
- Dry Cleaning Establishment
- Entertainment/Recreation Establishment
- Farm Implement Outlet
- Farmer's Market
- Fermenting-on-Premise Establishment
- Financial Institution
- Funeral Home
- Garden Centre
- Hotel or Motel
- Institutional Uses
- Office
- Parking Lot
- Plaza Complex
- Propane Exchange Facility
- Recreational Vehicle Sales and Service Establishment
- Rental Outlet
- Restaurant
- Service Shop
- Specialty Store
- Veterinary Clinic

5.2.2 Zone Regulations

Minimum Lot Area	550 m ²	
Maximum GFA per Use	500 m ²	
Minimum Lot Frontage	15.0 m	
Minimum Landscaped Planting Strip	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	10%	
Minimum Front Yard	6.0 m	
Minimum Rear Yard	4.5 m	
Minimum Exterior Side Yard	4.5 m	
Minimum Interior Side Yard	4.5 m	
Maximum Building Height	11.0 m	

5.2.3 Exception Zones

(RESERVED)

5.2.4 General Zone Provisions

All provisions of Section 3, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Highway Commercial (C3) Zone shall apply.

6.0 EMPLOYMENT AREA ZONES

The Employment Districts provide employment opportunities in locations with appropriate access to servicing, warehousing and manufacturing and other complimentary non-residential uses. The General Employment (M1) Zone permits a range of industrial/employment uses. It is intended that development within the Employment Districts exhibit a high standard of building design and landscaping.

6.1 Employment Area (E)

6.1.1 Permitted Buildings and Uses

- Auto-oriented uses
- Beer, Wine and/or Alcohol Manufacturing Facilities
- Building supply outlet or lumber yard
- Cartage or transport depot and yard facilities
- Contractor Facilities
- Dry Cleaning Establishment
- Equipment sales, rental and service establishment
- Fuel Storage Establishment
- Garden centre
- Manufacturing Facilities
- Motorcycle/Off-Road Vehicle Sales and Service Establishment
- Municipal Works Yard
- Propane container refill station
- Recycling Operations
- Rental outlet
- Research and Development Facilities
- Restaurant
- Service shop
- Warehousing and Distribution Centre
- Commercial parking lot

6.1.2 Uses Permitted as an Accessory Use to a Permitted Use Specified Herein

- Accessory residential dwelling unit
- Business office
- Outside storage
- Retail establishment, including a factory outlet

6.1.3 Zoning Regulations

Minimum Lot Area	4,000 m ² (0.4 ha)	
Minimum Lot Frontage	30.0 m	
Minimum Landscaped Planting Strip	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	10%	
Maximum Lot Coverage	40%	
Minimum Front Yard	7.5 m	
Minimum Rear Yard	7.5 m	
Minimum Exterior Side Yard	4.5 m	
Minimum Interior Side Yard	3.0 m	
	Where the interior side lot line abuts a Residential Zone or lands used for residential purposes, the minimum interior side yard width is 7.5m.	
Maximum Building Height	11.0 m	

6.2 Extractive Industrial (ME) Zone

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

6.2.1 Permitted Uses

- sand and gravel pits
- quarries

6.2.2 Zone Regulations

Minimum Lot Area	6.0 ha
Minimum Lot Frontage	190.0 m
Minimum Front Yard	130.0 m
Minimum Rear Yard	120.0 m
Minimum Exterior Side Yard	130.0 m
Minimum Interior Side Yard	120.0 m

6.2.3 Buffer Strip Requirements

Where interior side or rear lot line abuts a Residential, Open Space or Community Facility Zone a buffer strip shall be provided in accordance with Section 4.6 of this By-law.

6.2.4 General Zone Provisions

All provisions of Section 3, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the Extractive Industrial (ME) Zone shall apply.

7.0 RECREATIONAL ZONES

The Recreational District provides major focal points for recreational activities, particularly the Arena/Fairgrounds Recreation Complex. These Districts are intended to provide opportunities for both indoor and outdoor recreation, including through parks, open spaces, community gardens, golf courses and other recreational facilities

7.1 Recreation (RE) Zone

7.1.1 Permitted Buildings and Uses

- Recreational, Cultural and Entertainment Facilities
- Community Gardens
- Parks and Open Spaces

7.1.2 Permitted Accessory Buildings and Uses

- Farmer's Markets
- Restaurants
- Day Care Facilities

7.1.3 Zone Regulations

Minimum Lot Area	550 m ²	
Minimum Lot Frontage	30.0 m	
Minimum Landscaped Planting Strip	1.5 m where abutting a rear lot line or interior side lot line of any property Zoned R1, R2 or R3.	
Minimum Landscaped Open Space	20%	
Minimum Front Yard	9.0 m	
Minimum Rear Yard	9.0 m	
Minimum Exterior Side Yard	6.0 m	
Minimum Interior Side Yard	6.0 m	
Maximum Building Height	15.0 m	

8.0 NATURAL HERITAGE SYSTEM ZONES

The Natural Heritage System supports the enhancement and protection of natural features within the Village of Burk's Falls. The Natural Heritage System supports uses such as conservation, parks, existing agricultural uses, open spaces and infrastructure. It includes both the Natural Environment (NE) Zone and the Floodway (F) Zone.

8.1 Natural Environment (NE) Zone

8.1.1 Permitted Uses

- Conservation Uses
- Parks and Open Spaces
- Existing Agricultural Uses
- Public and Private Utilities
- Required vehicular, accessible and bicycle parking facilities, where accessory to a permitted use on the same lot
- Transportation infrastructure, including public streets, transit facilities, any properly authorized traffic sign or signal, or a railway line
- Any sign or notice of the Village or other government authority

8.1.2 Permitted Buildings and Structures

Notwithstanding the identified list of permitted uses, no building or structures shall be erected or used, except buildings or structures used for forestry uses, wildlife and fish management uses, storm water management, and passive, outdoor recreational purposes.

8.1.3 Zone Regulations

Within the Natural Environment (NE) Zone, permitted buildings shall be set back a minimum of 6 metres from any Lot Line that abuts a Public Street.

8.2 Floodway (F) Zone

8.2.1 Permitted Uses

- Conservation Uses
- Parks and Open Spaces
- Any sign or notice of the Village or other government authority

8.2.2 Permitted Buildings and Structures

Notwithstanding the identified list of permitted uses, no buildings or structures shall be erected or used, except buildings or structures used for fisheries management uses, watershed management, flood and erosion control facilities, storm water management and passive, outdoor recreational purposes.

8.2.3 Zone Regulations

Within the Floodway (F) Zone, Accessory Buildings shall be set back a minimum of 6 metres from any Lot Line that abuts a Public Street.

9.0 FUTURE DEVELOPMENT AREA (FDA) ZONE

The Future Development Area recognizes that not all lands identified in the Burk's Falls Official Plan as within the Settlement Area are ready to be developed. This includes lands in sensitive ecological areas and floodplains that warrant further study to ensure compliance with applicable policy and adequate stormwater infrastructure. As a result, uses are restricted to those uses existing at the time of the approval of this Zoning By-law.

No land, building, or structures shall be used or erected in Future Development Areas Zone except for a Single Detached Dwelling on an Existing Lot of Record or for any uses or structures that lawfully existed on the date of the adoption of this By-law, including their repair and replacement.

9.1 Permitted Buildings and Uses

- an existing single detached dwelling
- an existing agricultural or industrial use
- a home occupation
- accessory uses
- existing uses in addition to or other than those listed above

9.2 Zone Regulations

All setbacks, coverages, and other lot dimensions/regulations existing as of the date of the approval of this By-law.

10.0 DEFINITIONS

"Accessory Building"

means a building or structure that is incidental, subordinate and exclusively devoted to a main building or structure and located on the same lot.

"Accessory/Ancillary"

means a use that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot.

"Additional Residential Unit (Attached)"

means a self-contained residential unit with kitchen and bathroom facilities within a single detached or semi-detached dwelling on the same lot that accommodates the primary dwelling unit.

"Additional Residential Unit (Detached)"

means a self-contained residential unit with kitchen and bathroom facilities within an accessory building on the same lot that accommodates the primary single detached or semi-detached dwelling unit.

"Adult Entertainment Facility"

means any premises, or part thereof, where the nudity, or partial nudity of any person is a feature or characteristic of the use. An adult entertainment facility is not an entertainment facility, a recreation facility, or a cultural facility.

"Air Treatment Control"

means the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

"Apartment Building"

means a building that has five or more dwelling units and each dwelling unit has a separate entrance through a common interior area. A building that was originally constructed as a detached house, semi-detached house or townhouse and has one or more additional residential units is not an apartment building.

"Artist Studio/Maker Space"

means an establishment used for the workplace and limited retail sales of a permanent resident of the property who is producing or making and selling custom-made artisanal goods in limited quantities, using techniques that do not involve mass-production.

"Auto-Oriented Uses"

means a premises or part thereof used for the sale, rental of motor vehicles as well as for the servicing, maintenance, cleaning and repair of motor vehicles. Auto-oriented uses includes a building or station where motor vehicle fuel and similar motor vehicle accessories are available for sale.

"Bed and Breakfast Establishments"

means an owner-occupied dwelling where not more than three bedrooms are used or maintained for the short-term accommodation (generally less than 28 days) of the travelling public, and where meals may, or may not be provided, but does not include hotel, restaurant, short term accommodation, or lodging house, as defined in this By-law.

"Beer, Wine and/or Alcohol Manufacturing Facilities"

means the use of land, buildings or structures for the purpose of manufacturing for sale and distribution of alcoholic beverages of various types, which may include accessory sales and hospitality area.

"Below Grade"

means any part of a building that is below average finished grade adjacent to the walls of the building.

"Building"

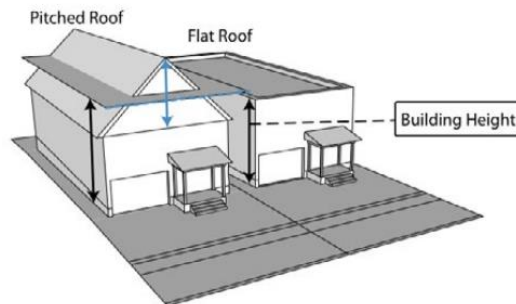
means any structure greater than ten (10) square metres, whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, mobile home, travel trailer, camping trailer, truck camper, motor home, or tent.

"Building Height"

means the greatest vertical distance measured from the average finished grade adjacent to the exterior walls of the building to:

- i) In the case of a flat roof, the highest point of the roof surface; and,
- ii) In the case of a mansard, pitched, hip, gambrel or gabled roof, a point midway between the eaves and the ridge, as shown on the illustration provided below.

In calculating the height of a building, any construction used as an antenna, architectural ornament or for the mechanical operation of the building, is not to be included.



"Cannabis"

means a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

"Cannabis Production and Processing"

means lands, buildings or structures used for growing, producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, as amended from time to time, or any successors thereto.

"Cartage or Transport Depot"

means a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded warehouse.

"Cellar"

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.).

"Cemetery"

means a lot that is used for the interring of dead humans. A cemetery may include a structure for the purpose of the cremation of human remains and may include facilities for the storing of ashes of humans that have been cremated. A cemetery may also include facilities in the form of sealed crypts or compartments for the interment of human remains.

"Commercial School"

means a school operated by an individual or company on a for-profit basis, providing instruction in a specific trade, skill, vocation, service or for general learning.

"Community Gardens"

means a parcel of land cultivated and gardened by members of the community for non-commercial purposes. For the purposes of this definition, "gardened" means to grow and care for plants and crops.

"Conservation Uses"

means the use of land for the purpose of planned management of natural resources, including:

- i) Forestry uses;
- ii) Wildlife and Fisheries Management Uses; and,
- iii) Watershed Management and Flood and Erosion Control Facilities.

"Contractor Facilities"

means the outdoor yard of a building/landscaping construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration of the business and the outdoor stockpiling or outdoor storage of supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies or home improvement supplies.

"Convenience Retail Store"

means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as, but not limited to, groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers. A convenience retail store shall have a maximum gross floor area of 500 square metres.

"Convention/Conference Facilities"

means a commercial establishment used for the holding of conventions, conferences, seminars, workshops, meetings, banquets, receptions or similar activities.

"Cultural Facility"

means any building, room or area designed or utilized primarily for the presentation to the general public of live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material.

"Day Care Facilities"

means a premises operated by a person licensed under the Child Care & Early Years Act to operate a child care centre for the purpose of providing temporary care to children for a continuous period not to exceed twenty-four (24) hours. Day care facilities may also include a premises for the purpose of providing temporary care to adults with special needs for a continuous period not to exceed twenty-four (24) hours.

"Development"

means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act,

"Drive-Through Facilities"

means the use of land, buildings or structures to provide or dispense products or services through an attendant, window or automated machine to persons who are expected to remain within their motorized vehicle.

"Dry Cleaning Establishment",

means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

"Dwelling Unit"

means living accommodation for a person or persons living together as a single household unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

- i) **"Single Detached Dwelling"** means a building that includes a primary building with only one dwelling unit;
- ii) **"Semi-Detached Dwelling"** means a building that has two dwelling units, and no dwelling unit is entirely or partially above another;
- iii) **"Duplex Dwelling"** means a building that has two dwelling units, where one dwelling unit is entirely or partially above another; A single detached dwelling or semi-detached dwelling that has one or more additional residential units is not a duplex;
- iv) **"Triplex dwelling"** means a building that has three dwelling units, with at least one dwelling unit entirely or partially above another. A single detached dwelling or semi-detached dwelling that has one or more additional residential units is not a triplex;

- v) **"Fourplex Dwelling"** means a building that has four dwelling units, with at least one dwelling unit entirely or partially above another. A single detached, semi-detached or townhouse dwelling that has one or more additional residential units is not a fourplex;
- vi) **"Townhouse Dwelling (Street)"** means a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. The dwelling units share a sidewall with a neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a public street, and vehicular access is provided directly to the unit from a public street;
- vii) **"Townhouse Dwelling (Block)"** means a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. They share a sidewall with a neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a private road or laneway; and,
- viii) **"Apartment Dwellings"** means a self-contained residential dwelling unit in an apartment building, or incorporated into a mixed-use building.

"Emergency Service Facilities"

means the use of land, buildings or structures to provide for the health and safety of the community, including fire stations, police stations and ambulance stations.

"Employment Uses"

means the use of land, building or structure, or part thereof for non-noxious/non-offensive manufacturing, warehousing, distribution and/or recycling operations. Industrial uses may also include the bulk storage of goods and related accessory uses. Permitted Industrial Uses include:

- i) **"Manufacturing Facilities"** means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service, but shall not include any handling or recycling of hazardous waste material;
- ii) **"Warehousing and Distribution Centres"** means a building or part thereof, which is used primarily for the storage, adapting for sale, packaging or distribution of goods and merchandise to retailers and/or individual consumers;
- iii) **"Recycling Operations"** means the use of land, buildings or structures for the purpose of the processing, warehousing and/or storing of waste materials that are to be reused for another purpose. All recycling operations are to be carried out within an enclosed building. A recycling operation shall not include any handling or recycling of hazardous waste material;
- iv) **"Municipal Works Yard"** means the use of land, buildings or structures owned and operated by the municipality used as a depot for the storage and maintenance of equipment used by the municipality, and includes facilities for the administration of the operation and the outdoor stockpiling or outdoor storage of supplies; and,
- v) **"Research and Development Facilities"** means a building, or group of buildings used primarily for the operation of research industries, investigation, testing or experimentation, and including data processing, but not including facilities for the manufacture or sale of products, except as incidental to the primary research or data processing use.

"Entertainment Facility"

means the use of an establishment for the provision of entertainment or amusement without the necessity of active participation by the user and shall include for example, such uses as movie theatres, bingo/gaming halls and other places of assembly.

"Equipment Sales, Rental and Service Establishment"

means a building or part of a building, structure or yard in which articles, machinery and equipment, including heavy machinery and equipment, are serviced or repaired and may be offered or kept for rent, lease or hire under agreement for compensation.

"Existing Building"

means any existing building on a lot that legally existing as of date of approval of this Zoning By-law.

"Existing Use"

means any existing use on a lot that legally existing as of date of approval of this Zoning By-law.

"Exterior Side Wall"

means the primary exterior wall (facade) of a building, that is not a permitted projection or an attached garage or carport, which is located abutting the exterior side lot line.

"Farmer's Market"

means a building or property where open spaces, stalls or sale areas that are not separated by permanent walls (but may have removable partitions), are leased, rented or otherwise provided to more than three individual vendors for the sale of local produce and food products as well as the goods of local artists and artisans to the general public.

"Fermenting on Premise Establishment"

means a retail facility at which customers add enzymes, yeast or other ingredients necessary to start the fermentation process to make the wine or beer; bottle the wine or beer and cork, cap or otherwise seal the bottles; and remove the wine or beer from the facility immediately after the wine or beer has been bottled and corked, capped or otherwise sealed.

"Fuel Storage Tank"

means tanks for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane or flammable liquid or fluid are kept an but does not include a container for flammable 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.

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Gasoline Handling Act or the Ontario Propane Storage Handling and Utilization Code as may be applicable.

"Fuel Storage Establishment",

means an establishment where petroleum gasoline, fuel oil, gas, propane, or other fuels are stored in tanks for wholesale distribution or bulk sales but does not include facilities for the sale of fuels for private motor vehicles.

"Financial Institution"

means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, banks and other similar financial institutions.

"First Floor"

means the floor of a building above a cellar or basement, or, where no basement or cellar exists, the first floor shall be that floor at, or immediately above grade.

"First Floor Height"

means the vertical height from the finished first floor elevation of the interior of the building to the ceiling of the first floor.

"Floodplain"

means the area, usually low lands adjoining a watercourse or body of water, which has been, or may be subject to flooding hazards

"Floodway"

means the area the portion of the floodplain which is subject to deeper, faster flows, and which acts as the flood channel under regulatory storm conditions. In addition, for river stream and small inland lake systems, floodway also means the portion of the floodplain where development and site alteration would cause a danger to public health and safety, or property damage.

"Forestry Uses"

means the general raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, holiday trees and other forest products.

"Funeral Home"

means a premises used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment.

"Garage (Attached)"

means a private garage, accessory to a dwelling unit on the same lot and attached to the dwelling unit by a common wall and/or a common roof structure.

"Garage (Detached)"

means a private garage accessory to a dwelling on the same lot, but not attached to the dwelling unit by any common wall and/or any common roof structure.

"Garage Projection"

means the exterior wall of the garage, that is closer to the adjacent front or exterior side lot line than the main front wall of the building.

"Garage Width"

means the horizontal width of a garage measured between the interior faces of the walls that are perpendicular to the garage door/ garage entry.

"Garden Centre"

means a building or part of a building and/or adjacent land used for the purpose of growing and selling of plants, shrubs, trees and similar vegetation, buying or selling lawn and garden equipment, furnishings, and supplies, and may include a greenhouse.

"Gross Floor Area"

means the floor area of any building. Gross Floor Area is measured from the exterior face of the outside walls of the building. The measurement of Gross Floor Area specifically excludes parking and loading facilities, and floor space developed below grade.

"Home Industry"

means occupations, trades, businesses, professions, or crafts that are secondary to the agricultural use or agriculture-related use or rural residential use on the property. Home industry uses shall generally be confined to an outbuilding within the existing farm building cluster and include, but are not limited to small engine repair, woodworking and metal working. Home industry uses shall generally not exceed 90 square metres.

"Home Occupation"

means a business conducted within a dwelling unit by a permanent resident of the dwelling unit. A home occupation may include service commercial uses and/or office uses but shall not include short term accommodation.

"Hotel"

means a building or group of buildings used for the purpose of catering to the needs of the travelling public by providing short-term (generally less than one month) commercial accommodation, with or without meals, or with small dinettes, and includes a motel, but shall not include short term accommodation, as defined in this By-law.

"Institutional Uses"

means the use of land, buildings or other structures for some public or social purpose but not for a commercial use or for commercial business purposes. Institutional uses include governmental, religious, charitable, philanthropic, or other similar non-commercial uses. Institutional uses include:

- i) **"Elementary and Secondary Schools"** under the jurisdiction of a Board and/or as defined in The Education Act;
- ii) **"Places of Worship";**
- iii) **"Colleges and Universities"** as defined in The Education Act; and,
- iv) **"Hospitals"**, as defined by The Public Hospitals Act, and may include health clinics and medical laboratories.

"Landscaped Open Space"

means open space comprised of lawn, flowers, ornamental shrubs, trees or other natural vegetation. This area may include space occupied by paths, courtyards and patios, but shall not include loading or parking areas, traffic aisles, driveways, ramps, or open outside storage areas.

"Landscaped Planting Strip"

means open space comprised of fencing, lawn, flowers, ornamental shrubs, trees or other natural vegetation that abuts a defined lot line. This area may include space occupied by paths, courtyards and patios, but shall not include loading or parking areas, traffic aisles, driveways, ramps, or outdoor storage areas.

"Laundromat"

means a building or structure or part thereof where self-service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning. This definition does not include dry-cleaning, dyeing or pressing.

"Lodging House"

means a residential building, or part thereof, used for communal residential occupancy where a proprietor offers lodging rooms in return for remuneration or the provision of a service, or for both. All lodging houses shall be licenced by the municipality, and are categorized as follows:

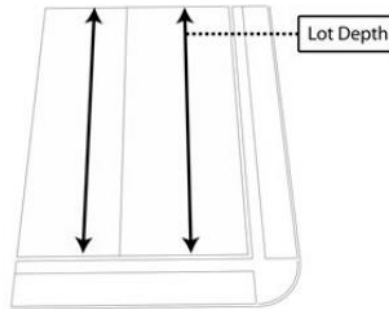
- i) **"Rooming House"** means a dwelling where guest rooms are offered, with or without meals, for long-term accommodation (generally more than one month). The dwelling is not owner-occupied; and,
- ii) **"Boarding House"** means an owner-occupied dwelling where guest rooms are offered, with or without meals, for long-term accommodation (generally more than one month).

A lodging house shall not include short term accommodation, as defined in this By-law.

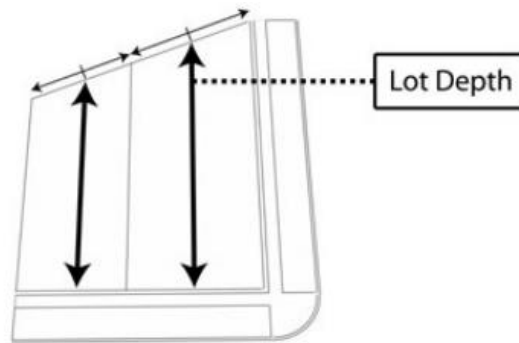
"Lot"

means a parcel of land, with frontage on a public street, separate in title from any abutting land.

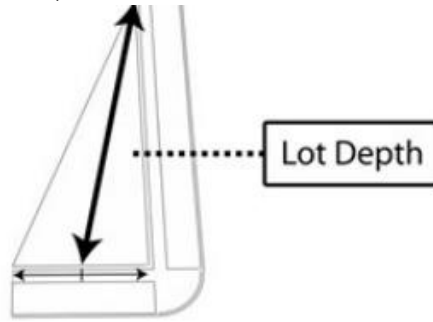
- i) **"Lot Area"** means the total horizontal area within the lot lines of a lot;
- ii) **"Lot Coverage"** means the percentage of the lot area covered by the first floor of all buildings and structures on the lot including the primary building or structure and all accessory buildings or structures, but shall not include a surface (unstructured) parking area, and decks with a height less than 1.8 metres above grade;
- iii) **"Lot Depth"** means:
 - The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



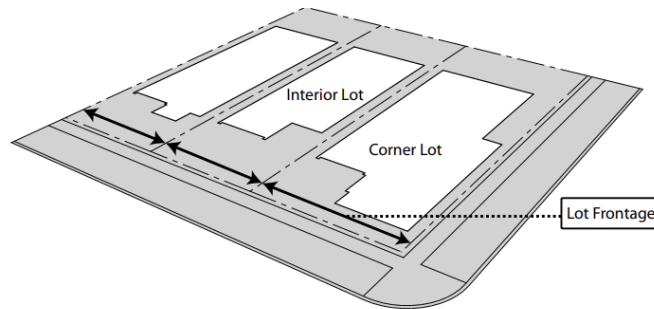
- The horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or,



- The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line; and,



- iv) **"Lot Frontage"** means the horizontal distance between the side lot lines, measured at right angles 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 by a line 2.5 metres back from and parallel to the chord of the lot frontage. For the purpose of this By-law, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.



"Lot Line"

means the boundary line of a lot, also commonly referred to as the property line. Lot lines include:

- "Exterior Side Lot Line"** means, in the case of a corner lot, the longer lot line that abuts the street;
- "Front Lot Line"** means the lot line that divides a lot from the street. In the case of a corner lot, the shorter street line shall be deemed to be the front lot line, and the longer street line shall be deemed the exterior side lot line. In the case of a through lot, both of the lot lines abutting a street shall be deemed front lot lines;
- "Interior Side Lot Line"** means a lot line that connects the front lot line to the rear lot line and that does not abut a street; and,
- "Rear Lot Line"** means, in the case of:
 - A square or rectangular lot, the lot line opposite the front lot line;
 - A triangular lot, the point of the apex of the triangle furthest from the front lot line; and,

- An irregular shaped lot, the lot line or lot lines furthest from and opposite to the front lot line including any angled contiguous lot line adjoining it.

"Main Exterior Side Wall"

means the primary exterior wall (facade) of the building, that is not a permitted projection or an attached garage or carport, and all structural members essential to the support of a fully enclosed space or roof that faces the exterior side lot line.

"Main Exterior Front Wall"

means the primary exterior wall (facade) of the building, that is not a permitted projection or an attached garage or carport, and all structural members essential to the support of a fully enclosed space or roof that faces the front lot line.

"Marina and Marina-Related"

means a public or privately owned commercial establishment accommodating docking facilities where boats or boat accessories are berthed, stored, serviced, repaired, built or kept for sale or rent and where facilities for the sale of marine fuels and lubricants, accessory retail sales and water-taxi and barging services are provided. Boat launch and waste water pumping facilities may also be provided.

"Medical Office/Clinic"

means a building or part of a building used for the practice of medical, therapeutic or dental professions, including the offices of physicians, dentists, and other health practitioners. A medical office/clinic use may include medical and dental laboratories, outpatient care facilities, blood banks, and miscellaneous types of medical services.

"Mixed-Use Building"

means a purpose-built structure that includes more than one use within a shared building envelope. Within a mixed-use building, individual uses are provided with individual means of access/egress, and non-residential elements of the mixed-use building cannot be used as a dwelling unit, or any part of a dwelling unit.

"Non-Complying"

means a lot, building, or structure that does not fulfill the requirements of the Zone provisions or general provisions for the Zone within which the lot, building, or structure is located.

"Non-Conforming"

means a use on a lot, or within a building or structure, that is not permitted by the Zone within which the lot, building, or structure is located.

"Noxious and Offensive Uses"

means a use which, from its nature or operation creates a nuisance, or is liable to become a nuisance, offensive or dangerous by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, as defined by MOECP Guidelines, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.

"Off-Road Vehicle"

means all-terrain vehicles (ATVs), off-highway motorcycles or dirt bikes, utility terrain vehicles (UTVs or side-by-side vehicles), and snowmobiles.

"Motorcycle and Off-Road Vehicle Sales and Service Establishment"

means a building or structure where a licensed dealer displays new and used motorcycles and/or off-road vehicles, for sale or rent in conjunction with which there may be a vehicle repair garage and gasoline bar.

"Office/Office Uses"

means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a commercial business, the conduct of civic/administrative, social service or institutional use, or the administration of an industry.

"Open Outside Storage"

means the storage of goods which are open to the air.

"Outside Sales/Rental Area"

means an unenclosed outdoor display area that is accessory to a retail commercial use, and is used for the display of merchandise associated with the retail commercial use. In addition, an outdoor sales/rental area includes a lot, or portion thereof, used to display, sell, rent, or lease motor vehicles.

"Parking Facilities"

means a lot, or part of a lot used for the parking of vehicles and available to residents, employees, clients, customers and/or the general public, with, or without a fee being charged. Parking facilities may be at-grade and open to the air, or in purpose-built structures that are at-grade, below grade and/or above grade. Parking facilities shall not include any area where vehicles are stored for sale or repair.

"Parks and Open Space"

means a publicly or privately owned open space areas specifically defined or set aside for active and/or passive recreational uses. Parks and open space includes all landscaping, facilities and apparatus, playing fields, trails and buildings and structures that are consistent with general outdoor recreational purposes.

"Pet Grooming",

means the grooming of a domestic animal, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary services, breeding, boarding, and overnight accommodation.

"Place of Worship"

means a building used by a religious congregation or organization and dedicated exclusively to worship and related religious, social and charitable activities and may include a hall, an auditorium, a convent, an office for religious leaders, a children's activity room, and an attached dwelling unit for a religious leader as accessory uses.

"Plaza Complex",

means a group of commercial or industrial establishments which is planned, developed, managed and operated as a unit with shared on-site parking and containing three or more separated spaces for lease and/or occupancy.

"Propane Container Refill Station"

means any premises to which the public is invited at which propane is sold and is put into the fuel tanks of motor vehicles or into portable containers with a capacity exceeding 0.5 kg.

"Propane Exchange Service"

means any premises at which the public can exchange an empty propane tank for a new, already refilled tank.

"Public Road"

means any road, street or thoroughfare on a right-of-way owned and maintained by the Village or Province to which the public has a right of use and access.

"Public and Private Utilities"

means any use or facility that provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection/treatment, storm water management or other similar infrastructure services.

"Recreational Facility"

means an establishment whose purpose is to refresh mind and body through physical activities such as a health club, spa, fitness studio, gymnasium, arena and any other similar sporting facilities. Seniors Centres, Youth Centres and Community Centres are recreational facilities.

"Recreational Vehicle"

means a structure designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed, parked or transported. Living accommodations may include sleeping, kitchen, bathroom, and systems for fresh and waste water, 110/12V electricity, propane, heating, air conditioning, and entertainment. It has an overall length not exceeding 13.2 meters (42' 11") and an overall width not exceeding 2.6 meters (8 ft 6 in), where the width is the sum of the distance from the vehicle centreline to the outermost projections on each side (including door handles, water connections, etc.) when the vehicle is folded or stowed away for transit. Such structures include folding camping trailers, travel trailers, fifth wheel trailers, slide-in truck campers and motorhomes. It does not include a mobile home.

"Recreational Vehicle Sales and Service Establishment"

means a building or structure where a licensed dealer displays new recreational vehicles, for sale or rent in conjunction with which there may be a recreational vehicle repair garage and gasoline bar.

"Rental Outlet",

means a building or part thereof used for the rental of tools, appliances, office machines, recreation equipment, light construction equipment, party supplies or similar items, and includes facilities of the maintenance and repair of rental equipment, but does not include an equipment sales, rental and service establishment or the rental of motor or recreational vehicles.

"Restaurant"

means a business establishment, the primary function of which is to prepare and serve food and/or drink for consumption by the public. Food may be served on the premises and/or via take-out and drive-through facilities.

"Retail Uses"

means a building or part thereof in which goods, merchandise, substances, articles or things are stored, offered or kept for sale to the public.

"Sensitive Land Use"

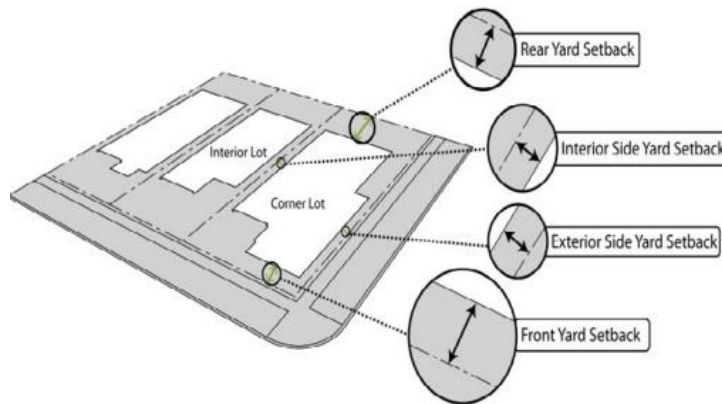
means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effect(s) from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, daycare centres, and educational and health facilities.

"Service Commercial Uses"

means a commercial use that provides services for sale to the public and excludes medically related functions and services.

"Setback"

means the shortest distance from a building/structure to a lot line.



"Shopping Centre"

means a group of retail, service commercial uses and/or restaurants that are planned, developed and managed as a unit, by a single owner or group of owners and tenants and where required parking is provided and shared on-site. Shopping centres may include residential and office uses that are located above the first floor.

"Short Term Accommodation"

means a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy, by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a hotel, bed and breakfast establishment, lodging house, hospital, or similar residential or commercial use.

"Special Needs Housing"

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Special needs housing includes communal housing and housing for seniors. Examples of special needs housing may include, but are not limited to:

- i) **"Long-Term Care Facility"** means premises used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;
- ii) **"Residential Care Home"** means supervised living accommodation that may include associated support services, and:
 - Is licensed or funded under Province of Ontario or Government of Canada legislation;
 - Is for persons requiring semi-independent or supervised group living arrangements; and,
 - Is for more than ten persons, exclusive of staff;
- iii) **"Group Home"** means supervised living accommodation that may include associated support services, and:
 - Is licensed or funded under Province of Ontario or Government of Canada legislation; - Is for persons requiring semi-independent or supervised group living arrangements; and,
 - Is for ten persons or less, exclusive of staff;
- iv) **"Respite Care Facility"** means premises used for the provision of short-term, non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as:
 - Preventive medicine;
 - Counselling;
 - Social, recreational or educational programs; and/ or,
 - Day or overnight care;
- v) **"Emergency Housing Facility"** means premises used for the provision of short-term, emergency services for the supervised care of people of any age. An Emergency Housing Facility may include the provision of services, such as:
 - Preventive medicine;
 - Counselling; and/or,
 - Day or overnight care; and,
- vi) **"Community House"** means a premises providing semi-independent living accommodation for residents primarily in bed-sitting rooms, if there is:
 - A maximum of two persons for each bed-sitting room;
 - Accommodation for one staff person per five bed-sitting rooms; and,
 - A common lounge and dining area.

"Use"

means the purpose for which a lot, building, structure, or any combination thereof, is designed, arranged, intended, occupied, utilized, or maintained, and "used" shall have a corresponding meaning.

"Veterinary Office/Clinic"

means a facility where animal care or treatment is provided by one or more veterinarians and may include the temporary indoor housing of animals so cared for or treated.

"Waste Disposal Site"

means a "Waste Disposal Site" as defined by The Environmental Protection Act.

"Watershed Management and Flood and Erosion Control Facilities"

means works built specifically for the management of water and associated erosion control within a defined watershed or subwatershed.

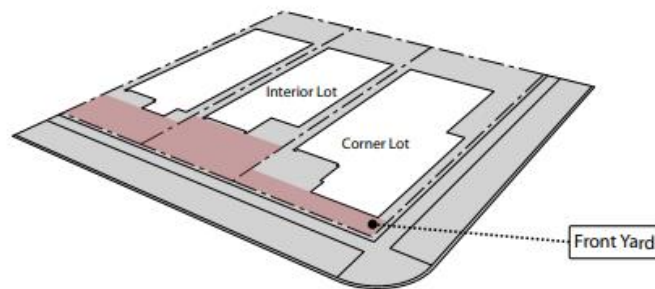
"Wildlife and Fisheries Management Uses"

means the management of wildlife and fish habitats and populations for the purpose of sustaining and improving the quality and quantity of wildlife and fish.

"Yard"

means the horizontal distance between a lot line and an exterior building wall.

- i) **"Exterior Side Yard"** mean a yard extending from the front yard to the rear yard and from the exterior side lot line to the nearest part of the building, or structure of the lot;
- ii) **"Front Yard"** means a yard extending across the full width of a lot between the front lot line and the nearest part of the building, or structure on the lot;



- iii) **"Interior Side Yard"** means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the building, or structure on the lot; and,
- iv) **"Rear Yard"** means a yard extending across the full width of a lot between the rear lot line and the nearest part of the building, or structure on the lot.