

SECTION 4 - GENERAL ZONE PROVISIONS

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4.1 ABANDONED EQUIPMENT AND MOTOR VEHICLES WITHOUT A CURRENT VALIDATION STICKER

Notwithstanding the provisions of Section 4.26.7 to the contrary, no person may use any lot in any zone for the parking, storage, or locating of unused or discarded equipment or motor vehicles without a current validation sticker except that:

- 4.1.1 One such vehicle may be stored inside a private garage.
- 4.1.2 Commercial vehicles normally licensed for only part of the year may be stored on the same lot from which the business they are used in conjunction with is operated, provided that in any Residential Zone such commercial vehicle shall not exceed 1.0 tonne capacity.

4.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.2.1 Permitted Uses

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include the following:

- a) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- b) any building used for human habitation except in accordance with this By-law, as is specifically permitted.

4.2.2 Relation to Street or Private Road

4.2.2.1 Hamlet Residential (HR) Zone

An accessory building or structure, which is not part of the principal or main building on the lot, shall not be erected closer to the street line than the principal or main building on the lot and shall further be erected in conformity with the yard and setback requirements of the Hamlet Residential (HR) Zone, except as may otherwise be provided for herein.

4.2.2.2 Other Residential and Non-Residential Zones

- a) No accessory building or structure shall be erected closer to the street line than the minimum required yard and setback requirements of the respective Residential or Non-Residential Zone and, further, shall not be erected closer than 3.0 metres (9.84 ft.) to an interior

side or rear lot line except as may otherwise be provided for herein. Notwithstanding the foregoing, a gatehouse or information kiosk or other similar accessory structure shall be permitted within a required front or side yard or within the area between the street line and the required setback.

- b) No accessory building or structure shall be erected closer than 3.0 metres to any lot line from any legal easement or right-of-way (i.e. private road), where the property is a standard waterfront lot.

4.2.3 Relation to Principal or Main Building

The separation distance between any accessory building or structure which is not part of a principal or main building, and a principal or main building on the same lot, shall be governed by the provisions of the *Ontario Building Code Act*.

4.2.4 Lot Coverage and Height

Except as otherwise provided herein, the total lot coverage of all accessory buildings and structures of a lot, except swimming pools, shall not exceed five (5) percent of the lot area and shall be considered in addition to any other lot coverage regulations as specified in this By-law. [Refer to Section 4.2.12 regarding coverage regulations for swimming pools.]

Notwithstanding the foregoing, within the General Industrial (MG) Zone, the total lot coverage of all accessory buildings or structures shall not exceed ten percent (10%) of the lot area.

Except as otherwise provided herein, the height of any accessory building or structure shall not exceed 7.5 metres (24.60 ft.) in the Rural (RU) Zone or Agricultural (A) Zone and 5.0 metres (16.40 ft.) in any other zone.

4.2.5 Accessory Structure Encroachments

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with the licensing and/or regulatory By-laws of the Corporation, shall be permitted in any required yard or in the area between the street line and the required setback.

4.2.6 Fire Escapes

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may project into any required yard a maximum distance of 1.2 metres (3.94 ft.).

4.2.7 Location

Except as otherwise provided herein, in any Residential zone category any accessory building or structure which is not part of the main building shall be erected:

- a) to the rear of any required front yard;
- b) with a minimum rear yard of 1.2 metres (3.94 ft.); and
- c) with a minimum side yard of 1.2 metres (3.94 ft.).

4.2.8 Garages

4.2.8.1 Notwithstanding the yard and setback provisions of this By-law and the provisions of Section 4.2.2 to the contrary, an attached or detached private garage may be located in a front yard, exterior side yard, interior side yard or rear yard in accordance with the following:

- a) where such private garage is located in an interior side yard, it shall not be closer than 1.2 metres (3.94 ft.) to the interior side lot line;
- b) where such private garage is located in a rear yard it shall not be located closer than 1.2 metres (3.94 ft.) to the interior side lot line or rear lot line;
- c) where such private garage is located in a front yard or exterior side yard, whether attached to and forming part or the principal or main building or detached therefrom, such accessory building shall not be located closer to the lot line than the required front or exterior side yard of the respective zone; and
- d) where such private garage is located within the rear yard of a through lot, it shall not be located closer than 6.0 metres (19.66 ft.) to the lot line abutting the street.

4.2.9 Pump House or Dock

Notwithstanding any other provision of this By-law to the contrary, a pump house, a dock or other marine facility, or other structure that is permitted by Section 4.30.1 may be erected and used in the yard of a lot fronting on a navigable waterway, provided, such accessory buildings or structures are located no closer than 1.2 metres (3.94 ft.) to the side lot line.

4.2.10 Railway Spur in Industrial Zone

Notwithstanding the yard and setback provisions of this By-law to the contrary, in an Industrial zone, a railway spur shall be permitted within any required side or rear yard, but not within a required planting strip area except for ingress and egress.

4.2.11 Ornamental Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard or the area between the street line and the required setback a maximum distance of 0.76 metres (2.5 ft.).

4.2.12 Swimming Pools

- a) The provisions of Section 4.2.12 shall only apply to swimming pools that are regulated by the Municipality's regulatory by-law for such uses.
- b) Notwithstanding the yard provisions of this By-law to the contrary, an outdoor swimming pool shall only be permitted in an interior side yard or a rear yard of a lot. Such outdoor swimming pool shall not be located within 1.2 metres (3.94 ft.) of the rear or interior side lot lines, and shall not be closer than 3.0 metres (9.84 ft.) to that portion of a rear lot line that adjoins a side lot line of an adjoining lot.
- c) In cases where the rear lot line abuts a municipal road, swimming pools shall be located at a distance that is equivalent to the rear yard setback of the applicable zone.
- d) Notwithstanding the above, an outdoor swimming pool shall be permitted in an exterior side yard of a corner lot provided that such outdoor pool shall not be located closer than 3.0 metres (9.84 feet) from an exterior side lot line.
- e) Notwithstanding the above, a swimming pool may be permitted in the front yard on lots within the Agricultural (A), Rural (RU), Rural Residential (RR), and Estate Residential (ER) Zones, provided such lots have a front yard depth of 18.0 metres or more.
- f) No water circulating or water treatment equipment such as pumps, filters or heaters shall be located closer than 3.0 metres (9.84 feet) to any side lot line or rear lot line.
- g) The maximum area covered by an outdoor swimming pool shall not exceed 15 percent (15%) of the total lot area.

4.2.13 Unenclosed Porches, Steps, Patios, Decks and Balconies

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed porches, steps, patios, decks and balconies, may project into any required yard a maximum distance of 1.5 metres (4.92 ft.) but not closer than 1.2 metres (3.94 ft.) to any lot line, provided that in the case of porches, steps or patios such uses are not more than 1.8 metres (5.9 ft.) above grade (measured at the floor surface elevation).

Balconies and decks that are greater than 0.61 metres (2.0 ft.) above grade (measured at the floor surface elevation) shall comply with the applicable minimum required yard of this By-law.

4.2.14 Signs

The provisions of this by-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with any By-laws of the Corporation regulating signs.

4.2.15 Temporary Buildings and Structures for Construction Uses

A construction trailer, scaffold, shipping containers, or other building or structure incidental to construction is permitted in all Zones within the Corporation on the lot where construction is being undertaken and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this By-law, "abandoned" shall mean the failure to proceed expeditiously with the construction work.

4.2.16 Outside Storage as an Accessory Use

The outside display and storage of goods and materials is permitted only where such a use is accessory to a permitted use, unless specifically stated otherwise in this By-law.

4.2.17 Height Exceptions for Accessory Building and Structures

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the principal use is a use permitted within the Zone in which it is located, namely: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a communications tower or antenna less than 30 metres (98.43 ft.) in height above average ground level, air conditioner duct, grain elevator, a barn or silo, incidental equipment required for processing, and, external equipment associated with internal building equipment.

4.2.18 Satellite Signal Broadcast or Receiving Dishes

Notwithstanding any other provisions for accessory uses or structures set forth in this By-law, satellite signal broadcast or receiving dishes and their supporting towers shall be permitted in all zones.

A free-standing satellite dish with supporting tower shall only be permitted in a rear or side yard, and shall comply with the requirements of Section 4.2.7 of this By-law. Notwithstanding this provision, a satellite dish may be mounted on a building.

These requirements shall not apply to satellite signal broadcast or receiving dishes associated with communication towers, as set forth in Section 4.29 "Public Uses".

4.2.19 Shipping Containers

4.2.19.1 General Provisions for All Zones

- a) A shipping container shall only be permitted in an interior side yard or a rear yard of a lot. Such shipping container shall not be located within 1.2 metres (3.94 ft.) of the rear or interior side lot lines and shall not be closer than 3.0 metres (9.84 ft.) to that portion of a rear lot line that adjoins a side lot line of an adjoining lot.
- b) Modifications to the shipping container in the form of windows, doors, etc. will be required to be supported by engineering studies undertaken by a qualified professional structural engineer;
- c) The dimensions of a shipping container in any permitted Zone should generally be 2.5 metres (width) by 6.0 metres (length) by 2.5 metres (height) or a maximum floor area of 15 m²; anything exceeding these requirements will require a building permit;
- d) Shipping containers will be encouraged to undergo thorough inspection and cleaning to ensure there are no dangerous or corrosive substances on the container prior to being placed on any lot in the Township;
- e) Shipping containers are prohibited from being stacked;
- f) A shipping container in any zone shall be in good condition; free from rust, vandalism, and shall not display any form of profanity;
- g) Shipping containers shall not be permitted within the 30.0 metre water yard setback.
- h) Shipping containers shall not be permitted for human habitation;
- i) Shipping Containers shall comply with the Ontario Building Code;
- j) All activities within the Shipping Container shall comply with the Ontario Fire Code and applicable regulations;
- k) All shipping containers shall comply with the total lot coverage and accessory lot coverage in the applicable zone.

4.2.19.2 Residential Zones

- a) Shipping container as an accessory structure to a dwelling unit shall be permitted within any Residential Zone
- b) The shipping container shall be permitted on a temporary basis for moving purposes for a maximum of 30 days in a calendar year, in which case the shipping container must be located on the driveway;
- c) A shipping container is also permitted in a Residential Zone for the storage of materials during construction, for a period not to exceed twenty-four (24) months and must be removed from the property upon completion of construction which will be deemed to be the date of the issuance of an occupancy permit;
- d) A shipping container shall follow the accessory structure provisions within any Residential Zone.

4.2.19.3 Commercial Zones

All Shipping Containers are subject to accessory lot coverage in any Commercial Zone.

4.2.19.4 Industrial Zones

All Shipping Containers are subject to accessory lot coverage in any Industrial Zone.

4.2.19.5 Agricultural and Rural Zones

All Shipping Containers are subject to accessory lot coverage in any Agricultural and Rural Zone

4.3 ACCESSORY AND SECONDARY DWELLING UNITS

4.3.1 Secondary dwelling units are permitted within the Rural (RU), Agricultural (A), Rural Residential (RR), Hamlet Residential (HR), Shoreline Residential (SR), and Estate Residential (ER) Zones, subject to the following provisions:

- a) Secondary dwelling units may only be located within a single detached dwelling, semi-detached dwelling, or row dwelling, or within a building or structure ancillary to a single detached dwelling, semi-detached dwelling, or row dwelling, where such dwelling types are listed as a permitted use within the Zone;
- b) For clarity, where a "Secondary Dwelling Unit" is permitted, the "Secondary Dwelling Unit" may exist within the Principal or Main Building or within an accessory structure; and

- c) Up to two (2) secondary dwelling units may be permitted on one property or conveyable parcel, provided there is no more than one secondary dwelling unit located within the Principal or Main Building and no more than one secondary unit located within an accessory structure.

4.3.2 The following provisions shall apply to regulate the use of secondary dwelling units:

- a) A secondary dwelling unit shall only be permitted where the Township is satisfied that adequate water and sewage services can be provided and/or is available;
- b) A secondary dwelling unit shall only be permitted on a lot benefitting from frontage upon an "Improved Public Street or Road";
- c) A secondary dwelling unit shall only be accessed via an existing residential vehicular entrance;
- d) A secondary dwelling unit shall not be permitted within the regulated floodplain area;
- e) Where a secondary dwelling unit is situated in an accessory structure, said structure shall comply with the regulations of a Principal or Main Building in the applicable Zone;
- f) Where a secondary dwelling unit is situated in an accessory structure, the dwelling unit may not be larger than 70% of the ground floor area of the principal dwelling unit.
- g) Notwithstanding subsection e) above and Section 4.2.4 of this By-law to the contrary, where a secondary dwelling unit is situated in an accessory structure, the maximum height of that accessory structure shall be 9.0 metres.
- h) Notwithstanding subsection e) above and Section 4.2.4 of this By-law to the contrary, where a secondary dwelling unit is situated in an accessory structure in the RR and HR Zones, the "Maximum Lot Coverage" of all "Accessory Building(s)" upon the lot shall be ten percent (10%);
- i) Where two (2) or more single detached dwellings exist upon a lot, a secondary dwelling unit is not permitted within an accessory structure;
- j) A secondary dwelling unit situated in an accessory structure may not be located more than 50 metres from the Principal or Main Building;
- k) A minimum of one (1) parking space shall be provided for the exclusive use of the occupier(s) of the secondary dwelling unit;

- l) MDS I shall apply to any new accessory dwelling unit to be located within an accessory building or structure.
- m) The secondary dwelling unit shall comply with the provisions of the Ontario Building Code.
- n) All new secondary dwelling units shall be registered with the Township Building and Planning Department.
- o) All other provisions of this By-law shall apply.

4.3.3 An accessory dwelling unit shall be permitted in a non-residential building other than in a motor vehicle facility or any other non-residential building where the sale, handling or storage of gasoline or other fuels or similar flammable substances is undertaken.

4.4 BED AND BREAKFAST ESTABLISHMENTS

4.4.1 A Bed and Breakfast establishment shall be permitted in a single detached dwelling only and shall have a maximum of three (3) guest rooms per establishment.

4.4.2 Bed and Breakfast establishments shall be deemed a residential use and shall be permitted only in zones where specifically provided for as a permitted use.

4.4.3 Bed and Breakfast establishments shall conform to all regulations and requirements of the zone where permitted.

4.4.4 Parking shall be in accordance with Section 4.26 of this By-law.

4.5 BUILDING SPACING

Except as specifically provided for in this By-law, building spacing shall be in accordance with the applicable provisions of the Ontario Building Code.

4.6 BUFFER STRIP REGULATIONS

4.6.1 Contents

A “buffer strip” shall consist of a visual screen having a minimum height of 1.5 metres (4.92 ft.) above the surrounding ground level and which is uninterrupted for the length of the buffer strip except as described in 4.6.3. A buffer strip shall include a planting screen as defined in this By-law, a fence which provides a visual screen, an earth berm, or any combination of these features. The minimum width of a buffer strip shall be 3 metres

(9.84 ft.). However, where an earth berm is to be constructed, the minimum width of the buffer strip shall be the width required to construct a stable earth berm having slopes no greater than a 3:1 horizontal to vertical ratio. The portion of the buffer strip not required for placement of the visual screen shall be used for no other purpose than the planting of shrubs, flower beds, grass or a combination thereof.

4.6.2 Location

Where the interior side or rear lot line in a Commercial Zone or an Industrial Zone abuts a Residential Zone or a Community/Open Space Zone, a buffer strip adjoining such abutting lot line, or portion thereof, shall be provided on the lot within the Commercial Zone or Industrial Zone where a new industrial building, structure or use is to be established. A buffer strip shall not be required for Commercial or Industrial buildings, structures or uses in existence prior to the date of passing of this By-law or for vacant land within a Commercial Zone or an Industrial Zone, unless the land is used for vehicle parking or storage purposes.

4.6.3 Interruption for Driveways or Pedestrian Walks

In all cases where ingress and egress driveways or walks extend through a buffer strip, it shall be permissible to interrupt the strip within 3 metres (9.84 ft.) of the edge of such driveway or within 1.5 metres (4.92 ft.) of the edge of such walk.

4.6.4 Maintenance

Where a buffer strip is required it shall be constructed and maintained by the owner or owners of the lot on which the strip is located.

4.6.5 Landscaped Open Space Supplement

A buffer strip may form part of any landscaped open space required by this By-law.

4.7 CANNABIS PRODUCTION AND PROCESSING

Notwithstanding any other provision of this By-law, any Cannabis Production and Processing shall be subject to the following provisions:

- 4.7.1** No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with Air Treatment Control situated in General Industrial (MG) Zone may be located closer to any Residential Zone, Community Facility (CF) Zone or Open Space (OS) Zone than 70 metres.

- 4.7.2 No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with Air Treatment Control situated in the Agricultural (A) Zone or the Rural (RU) Zone may be located closer to any Residential Zone, Community Facility (CF) Zone or Open Space (OS) Zone than 150 metres.
- 4.7.3 No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with Air Treatment Control situated in the General Industrial (MG) Zone may be located closer to any Sensitive Land Use than 150 metres.
- 4.7.4 No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with Air Treatment Control situated in the Agricultural (A) Zone or Rural (RU) Zone may be located closer to any Sensitive Land Use than 150 metres.
- 4.7.5 No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with Air Treatment Control situated in the Agricultural (A) Zone, Rural (RU) Zone or General Industrial (MG) Zone may be located closer to any Sensitive Land Use than 300 metres.
- 4.7.6 A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks.
- 4.7.7 An Open Storage Area is prohibited on the property in which the Cannabis Production and Processing is located.
- 4.7.8 Cannabis Production and Processing shall only be permitted within the zones explicitly indicated in this Zoning By-law.
- 4.7.9 All development in relation to the establishment of or expansion to Cannabis Production and Processing shall be subject to Site Plan Control.”

4.8 DWELLING UNIT UNDER CONSTRUCTION

Notwithstanding any other provisions of this By-law to the contrary, and only where approved by Council, where a building permit has been issued for a residential dwelling, a mobile home or a tourist trailer may be used for temporary human habitation for a maximum of eight (8) months from the date of issuance of the building permit, or until such time as the construction is completed and the building occupied, or the building permit has been revoked, whichever is the lesser period of time.

Such mobile home or trailer shall be situated in conformity with the minimum yard requirements of this By-law, and a permit is obtained from the local Health Unit for

an approved temporary sanitary waste disposal system.

4.9 ESTABLISHED BUILDING LINE

Notwithstanding the yard and setback provisions of the By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line, as defined in this By-law, extending on both sides of the lot, such permitted building or structure may be erected closer to the street line or the centreline of the street or navigable waterway, as the case may be, than required by this By-law provided such permitted building or structure is not erected closer to the street line or the centreline of the street or navigable waterway, as the case may be, than the established building line existing on the date of passing of the By-law.

4.10 EXISTING BUILDINGS, STRUCTURES AND USES

4.10.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on October 22, 1979 in the former Township of Otonabee or December 10, 1974 in the former Township of South Monaghan, so long as it continues to be used for that purpose. Any uses which were illegal prior to these dates shall remain illegal after the passing of this By-law.

4.10.2 Non-Conforming Buildings or Structures

The exterior of any building or structure, which at the date of passing of this By-law was lawfully used for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for the purposes permitted within such zone, and complies with all requirements of this By-law for such Zone.

4.10.3 Permitted Interior Alteration

The interior of any building or structure, which at the date of passing of this By-law was lawfully used for a purpose not permitted within the Zone in which such building or structure is located, may be reconstructed or structurally altered in order to render the same more convenient or commodious for the same purpose for which, at the date of passing of this By-law, such building or structure was lawfully used.

4.10.4 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on

the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure in such a manner as to contravene any provisions of this By-law.

4.10.5 Reconstruction of Damaged Existing Buildings or Structures

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming building or structure which is damaged by causes beyond the control of the owner, provided such reconstruction does not increase the building height, size or volume or change the use of such building or structure.

4.10.6 Non-Complying Buildings or Structures

Nothing in this By-law shall prevent the enlargement, extension, reconstruction, renovation, repair or alteration of a building or structure, which existed at the date of passing of this By-law, which is used for a purpose specifically permitted within the Zone in which such building or structure is located, where such building or structure does not comply with the setback or one or more yards that is or are less than required under the provisions of this By-law provided that the setback or yard or yards that is or are less than required are not further reduced and that all other provisions of this By-law are complied with.

4.10.7 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure, for a purpose prohibited by this By-law, for which a permit has been issued pursuant to the *Building Code Act* 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, provided further that the permit has not been revoked pursuant to the *Building Code Act*.

4.10.8 Change of Use

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

4.10.9 Floor Area Less Than Required

Nothing in this By-law shall prevent an extension or an addition being made to an existing permitted dwelling house, which dwelling house has a gross floor area or dwelling unit area less than required by this By-law, provided such extension or addition does not contravene any other provision of this By-law.

4.11 EXISTING UNDERSIZED LOTS

Where a vacant lot having a lesser lot area and/or lot frontage than required by this By-law is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Title Office, at the date of passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used for a use permitted in the applicable Zone provided that:

- a) the use complies with all other provisions of this By-law; and
- b) the use of any existing undersized lot shall be permitted only if the lot can be provided with an adequate supply of potable water, and all relevant sewage disposal requirements under the Ontario Building Code are complied with.

4.12 EXTERNAL BUILDING MATERIALS

The following building materials shall not be used for the finished exterior vertical facing on any wall of any residential building within the Township of Otonabee-South Monaghan:

- a) building paper/air barrier paper;
- b) asphalt shingle;
- c) asphalt roll-type siding; or
- d) asphalt insulating siding.

4.13 FRONTAGE REQUIREMENTS

4.13.1 Public Street

No person shall erect any building or structure in any Zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street, maintained year round, and further, that such building or structure complies with the setback provisions of this By-law.

4.13.2 Unassumed Road

Notwithstanding the provisions of 4.13.1 to the contrary, the provisions of this By-law shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the Municipal Corporation whereunder the street or streets will not be assumed by the Municipality until such time as specified in the said agreement.

4.13.3 Navigable Waterway

Where access to any Residential Zone category is by navigable waterway

only, no person shall erect any building or structure on a lot unless the lot has water frontage upon the navigable waterway.

4.13.4 Private Right-Of-Way

- 4.13.4.1 Notwithstanding the provisions of 4.13.1 hereof, where a building has been erected prior to the date of passage of this By-law on a lot which fronts on a private right-of-way registered on title and provides legal ingress and egress to an improved public street, the provisions of this By-law shall not apply to prevent the enlargement, alteration, extension, renovation or reconstruction of such a building or structure, provided the use of such building or structure is permissible in the zone in which it is located and that all other applicable Zone Provisions of this By-law are complied with.
- 4.13.4.2 If an existing lot is located in a Limited Service Residential (LSR) Zone and if such lot does not abut a public road but does abut a private right-of-way providing access thereto, then the lot shall be exempt from the provisions of Section 4.13.4 hereof.
- 4.13.4.3 Notwithstanding the provisions of 4.13.1 to the contrary, a lot that existed prior to October 22, 1979 for a lot in the former Township of Otonabee or December 10, 1974 for a lot in the former Township of South-Monaghan, which is in a Residential zone classification other than the Limited Service Residential (LSR) Zone, but does not abut an improved public street or road, may be used for a use that is permitted by the applicable Zone, subject to the following:
-) All buildings and structures shall comply with the Zone Provisions of the Zone that applies to the lot; and
 -) The use of the lot shall comply with all other General Provisions of Section 4 of this By-law.

4.14 GREATER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

4.15 GROUP HOMES

Group Homes, with the exception of Group Homes that are licensed under the *Ministry of Correctional Services Act* or secure custody children's residences shall be permitted only in the Zones in which a Group Home is identified as a permitted

use.

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to group homes located within the Township of Otonabee-South Monaghan:

- a) A maximum of one group home shall be permitted on a lot, and shall be permitted only in a single detached dwelling;
- b) A maximum of 10 group home clients per 1,000 residents of the Municipality shall be permitted;
- c) No group home shall be located within 1,000 metres (3,280.84 ft.) of another group home;
- d) The establishment of a group home not in accordance with these special provisions shall require an amendment to this By-law.

4.16 HOLDING ZONE PROVISIONS

4.16.1 Permitted Uses

Where a zone symbol on "Schedule A" is followed by the Holding zone symbol "H" the permitted uses and relevant zone provisions applicable to that zone do not apply until such time as the Holding zone symbol "H" is removed in accordance with the requirements of the *Planning Act*.

Prior to the removal of the Holding zone symbol "H" only uses that existed as of the date of the adoption of the Holding zone provisions shall be permitted.

4.16.2 Regulations for Permitted Uses

All regulations and provisions which apply in a zone category where there are no Holding zone provisions in effect shall also apply where a Holding zone has been established.

4.16.3 Removal of Holding Symbols

A Holding zone symbol shall only be removed in accordance with Section 36 of the *Planning Act*, 1990, as amended, and only when Council is satisfied that the criteria for the removal of the Holding zone symbol that are specified in the By-law that established the Holding zone symbol for the area have been met in a manner and form acceptable to Council.

4.16.4 Removal of Holding Symbols – Landfill Sites

In addition to the requirements of Section 4.16.3, where a Holding zone symbol has been applied to lands adjacent to an open or closed Sanitary Landfill Site or a Solid Waste Landfill Site in the Waste Disposal Industrial (MD) Zone, the Holding provision shall only be removed when the Municipality, in consultation with the Ministry of the Environment, is satisfied that the following matters have been addressed in an appropriate manner:

- a) Studies have been carried out to the satisfaction of the Municipality that show that the proposed development or land use is compatible with the open or closed landfill site and can safely take place;
- b) A qualified professional engineer shall carry out studies of gas, leachate and hydrogeology;
- c) The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by engineering studies; and
- d) The Municipality shall be satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of the structure.

4.17 HOME INDUSTRIES

A home industry shall only be permitted in the Rural Residential (RR) Zone, Rural (RU) Zone and Agricultural (A) Zone, providing such home industry complies with the following provisions:

4.17.1 Relationship to Principal Use

The home industry may be operated or located in any part of an accessory building or on any part of a lot subject to the applicable provisions of this By-law. A home industry shall not be permitted to operate or locate in any part of a dwelling house on a lot.

The maximum number of accessory buildings used for a home industry on a lot shall be one (1).

4.17.2 Occupancy

A home industry shall only be operated by the occupant of a dwelling which is located on the same lot.

Not more than three (3) persons, other than the occupants of the premises, shall be employed in the home industry.

4.17.3 Size

The maximum floor area of a home industry shall be 100 square metres (1,076.43 square feet).

4.17.4 Lot and Yard Requirements

A home industry shall only be permitted on a lot with the following minimum lot area and which meets the following yard and setback provisions:

- a) A home industry shall not be permitted on a lot with an area less than 3,000 square metres (0.75 acres).
- b) Notwithstanding any other provision of this By-law, a home industry shall not be permitted to locate in a front yard in a Rural Residential (RR) Zone;

4.17.5 Advertising Signage

There shall be no external display or advertisement other than a sign which is a maximum size of 1.0 square metre (10.76 square feet).

4.17.6 Buffering

Any area used for any outdoor activity or parking associated with the home industry shall be screened from view from a public street or road, or from adjacent properties.

4.17.7 Parking

Any vehicles associated with such a home industry shall be parked in an area other than a public street or a required front yard. Parking spaces shall be provided in accordance with the requirements of Section 4.26.

4.17.8 Display of Goods and Outside Storage

There shall be no outside storage or display of materials, supplies, equipment, tools, products or goods which are used for, or result from, the home industry.

4.18 HOME OCCUPATIONS

A home occupation shall be permitted in any Zone where a dwelling or dwelling unit is a permitted use, provided the home occupation complies with the following provisions:

4.18.1 Relationship to Principle Use

The home occupation shall be clearly secondary to the main use on the lot

and shall not change the residential character of a dwelling unit or the lot upon which it is located.

4.18.2 Occupancy

Any dwelling containing a home occupation shall be occupied as a residence by the operator of such home occupation. No person other than a resident of the dwelling shall be engaged in a home occupation, plus a maximum of one (1) employee.

4.18.3 Size

A home occupation may be operated or located in any part of a dwelling, provided that the area devoted to such use shall not occupy more than a floor area equivalent to 25 percent of the gross floor area of the dwelling or 50 square metres (538.21 square feet) of floor area, whichever is the lesser.

4.18.4 Advertising Signage

There shall be no external display of advertising other than a non-illuminated sign not exceeding 0.4 square metres (4.31 square feet) in area and the highest point of the sign or supporting post shall not be higher than 1.8 metres (5.91 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.

4.18.5 Display of Goods and Outside Storage

There shall be no outside storage or outside display of materials, supplies, equipment, tools, products or goods which are used for, or result from, the home occupation.

4.18.6 Sales or Rentals

Only those goods, wares, merchandise or services that are directly related to the permitted home occupation and are produced on the premises may be offered or exposed for sale or rent.

4.18.7 Public Nuisance

The operation of a home occupation shall not create nor become a public nuisance, in particular in regard to traffic or parking, or through the use of equipment or processes that create noise, vibration, glare, fumes, odours, or electrical interference in excess of that normally experienced in a residential neighbourhood.

4.18.8 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 4.26.

4.19 ILLUMINATION

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

4.20 KENNELS

Commercial kennels shall be located and operated in accordance with the Municipality’s Kennel By-law.

4.21 LOADING SPACE REGULATIONS

4.21.1 Loading Space

Loading or unloading spaces are required under this By-law, in accordance with the Loading Space Requirement Table and the owner of every building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials shall provide and maintain on the lot loading and unloading spaces accordingly. Each loading or unloading space shall be at least 9.0 metres (29.53 ft.) long, 3.5 metres (11.48 ft.) wide and have a vertical clearance of at least 5.0 metres (16.40 ft.). In addition, adequate space shall be provided for the parking of vehicles awaiting access to the loading or unloading spaces.

Area of Building	Loading Space
280 m ² (3,013.99 ft ²) or less	1 space
Exceeding 280 m ² (3,013.99 ft ²) but not 2,300 m ² (24,757.80 ft ²)	2 spaces
Exceeding 2,300 m ² (24,757.80 ft ²) but not 7,500 m ² (80,731.97 ft ²)	3 spaces
Exceeding 7,500 m ² (80,731.97 ft ²)	3 spaces, plus 1 additional space for each additional 9,300 m ² (100,107.64 ft ²) or fractional part thereof in excess of 7,500 m ² (80,731.97 ft ²)

4.21.2 Access

Access to loading spaces shall be by means of a driveway at least 6.0 metres (19.69 ft.) in width contained on the lot on which the spaces are

located and leading to an improved public street as defined herein.

4.21.3 Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust.

4.21.4 Location

The loading space or spaces required herein shall be located on the lot occupied by the building, structure or use for which the loading spaces are required, and shall be located in a side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres (49.21 ft.) as measured from the street line to the nearest part of the loading space. No loading space shall be located closer than 7.5 metres (24.6 feet) to any other lot line.

4.21.5 Additions to or Changes in Use of Existing Buildings

The loading space requirements referred to herein shall not apply to any existing building so long as the gross floor area, as it exists, is not increased. If an addition is made to the building or structure which increases the gross floor area, then additional loading spaces shall be provided in accordance with 4.20.1 hereof and in accordance with the provisions of the Loading Space Requirement Table for such addition.

4.22 LOTS CONTAINING MORE THAN ONE USE

Where a lot contains more than one use which is not an accessory use as defined herein, except for an accessory dwelling or dwelling unit, the lot area requirement shall be the sum of the requirements for the separate uses thereof; however, the lot frontage requirement shall be the greatest of the lot frontage requirements for each individual use in the zone where such lot is located.

4.23 LOTS DIVIDED INTO MORE THAN ONE ZONE

Where an existing lot is divided into more than one zone the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot as a whole has a minimum frontage of 15 metres (49.21 ft.). In such instances, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the provisions and regulations of this By-law.

Notwithstanding the foregoing, no lot shall be created within any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage

requirements of the applicable zone.

Notwithstanding any other provision of this By-law to the contrary, where a portion of a lot is zoned Environmental Protection (EP), those lands zoned Environmental Protection (EP) may be used in calculating the minimum lot area and minimum lot frontage requirements.

4.24 MINIMUM DISTANCE SEPARATION REQUIREMENTS - AGRICULTURAL USES

All development shall comply with the Minimum Distance Separation Formulae contained in the publication "Minimum Distance Separation (MDS) Formulae, Implementation Guidelines", Publication 707, Ministry of Agriculture, Food and Rural Affairs, Queen's Printer, Toronto, 2006, as amended from time to time. Notwithstanding the above, the Minimum Distance Separation I (MDS I) shall not apply to lots existing at the date of passing of this By-law which are less than 4.0 hectares (9.88 acres) in area.

Notwithstanding any other yard or setback provision of this By-law to the contrary, no livestock facility shall be erected or expanded within the Agricultural (A) Zone or the Rural (RU) Zone unless it complies with the guidelines of the "Minimum Distance Separation II (MDS II) or its calculations.

4.24.1 On-Farm Diversified Uses

Notwithstanding any of the provisions of Section 4.24 to the contrary, MDS I or II setbacks do not apply to On-farm Diversified Uses, unless determined as appropriate under the policies of the Township of Otonabee-Monaghan Official Plan.

4.25 MOBILE VENDORS

The operation of a mobile canteen or a mobile vendor operation shall not be permitted within the Township of Otonabee-South Monaghan.

4.26 PARKING AREA REGULATIONS

4.26.1 Parking Space Requirements

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises, from time to time, one or more parking spaces in accordance with the following Parking Space Requirements Table. The minimum number of off-street parking spaces required shall be calculated

to the nearest whole number.

PARKING SPACE REQUIREMENTS TABLE

Type or Nature of Use	Minimum Off-Street Parking Requirements
Single Detached, Duplex, Semi-Detached, Converted or Row Dwelling	Two (2) parking spaces per dwelling unit
Triplex or Fourplex Dwelling	1.5 parking spaces per dwelling unit
Multi-Unit Dwelling	1.25 parking spaces per dwelling unit
Secondary Dwelling Unit	One (1) space per secondary unit, in addition to the spaces required for the principal dwelling unit
Assembly Hall, Auditorium, Arena, Community Centre, Place of Entertainment, Place of Worship, Private Club or other similar places of assembly not otherwise specified herein, an Eating Establishment, including premises licensed in accordance with the Liquor License Act, as amended.	The greater of: a) one (1) parking space per six (6) fixed seats b) one (1) parking space per 9 m ² (96.88 ft. ²) of total floor area or portion thereof c) one (1) parking space for each four (4) persons that may be legally accommodated at any one time
Bank, Business and/or Professional Office, Retail Commercial Establishment, Service Shop, Personal Service Shop	One (1) parking space for each 28 m ² (301.4 ft. ²) of total floor area of building directly related to the specified permitted use
Hospital, Home for the Aged, Nursing Home	One (1) parking space for each four (4) dwelling units, or four (4) beds, or fraction thereof
Hotel, Motel, Tourist Establishment, Trailer Camp or Park, Camping Park	1.2 parking spaces for each guest room, cottage or cabin, plus such parking facilities as are required for an eating establishment or entertainment lounge licensed in accordance with the Liquor Licence Act, as amended
Manufacturing, Processing, Assembly/ Fabricating Plant, Wholesale Establishment, or Workshop	One (1) parking space per 37 m ² (398.28 ft. ²) of total floor area or portion thereof
Medical or Dental Clinic	Six (6) parking spaces per doctor, plus one parking space for each examination room exceeding five (5) such rooms per office
Bed and Breakfast Establishments and Boarding and/or Lodging House	Two (2) parking spaces per dwelling unit, plus one (1) parking space per guest room
Home Occupation or Home Industry	Two (2) parking spaces per dwelling unit, plus one (1) parking space for every per 28 m ² (301.4 ft. ²) devoted to the home occupation or home industry use.

Elementary and Secondary Schools	The greater of: a) one and one-half (1½) parking spaces per classroom; or b) one (1) parking space per 9 m ² (96.88 ft ²) of floor area in the gymnasium; or c) one (1) parking space per 9 m ² (96.88 ft ²) of floor area in the auditorium
Mobile Home in a Mobile Home Park	One (1) parking spaces per mobile home
Warehouse	One (1) parking space per 225 m ² (2,421.96 ft ²) warehousing floor area or portion thereof
Any Other Uses Permitted by this By-law	One (1) parking space per 37 m ² (398.28 ft ²) of total floor area

4.26.2 Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

4.26.3 Parking Space Size and Access

Parking spaces and areas shall be designed and constructed in accordance with the following:

- a) Each required parking space shall have a minimum width of 3.0 metres (9.84 ft.) and a minimum length of 6.0 metres (19.68 feet).
- b) Access to the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3 metres (9.84 ft.), but not more than 9 metres (29.53 ft.) in perpendicular width.
- c) The aisles between parking spaces within a parking area shall have a minimum width of 5.5 metres (18.04 ft.).
- d) The maximum width of any combined ingress and egress driveway ramp measured along the street line shall be 9 metres (29.53 ft.).
- e) The minimum distance between any two driveways on one lot, or, between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres (24.60 ft.).
- f) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

- g) Every lot shall be limited to the following number of driveways, namely:
-) up to the first 30 metres (98.42 ft.) of lot frontage, not more than two driveways with a combined width not exceeding thirty percent of the lot frontage; and
 -) for each additional 30 metres (98.42 ft.) of frontage, not more than one additional driveway.

4.26.4 More Than One Use on a Lot

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use, unless otherwise specified herein.

4.26.5 Yards Where Permitted

Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 1 metre (3.28 ft.) to any street or lot line, or, for parking areas located within Non-Residential Zones, closer than 7.5 metres (24.60 ft.) to any Residential Zone.

4.26.6 Additions to or Change in Use of Buildings

The parking space requirements referred to herein shall not apply to any building or structure in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use of the building or structure occurs, parking spaces shall be provided in accordance with the requirements of the Parking Space Requirement Table.

4.26.7 Use of Spaces and Areas – General Provision and Residential Zones

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

No person shall use any parking area or parking space in a Residential Zone except in accordance with the following:

- a) Not more than one (1) vehicle per dwelling unit shall be a commercial

motor vehicle as defined in the *Highway Traffic Act*; and

- b) Commercial vehicle(s) that are associated with a Home Occupation or Home Industry.

4.26.8 Agricultural, Agriculture-related and On-Farm Diversified Uses

Adequate off-street parking shall be provided. Number of parking spaces shall be determined based on the use. The general parking provisions in Section 4.26.1 of this By-law can be used as a general guideline. Township staff will assist in determining the number of required spaces.

4.27 PROHIBITED HABITATION

No truck, bus, coach or streetcar body, shipping container, or structure of any kind other than a dwelling unit or dwelling house erected and used in accordance with this By-law and all other By-laws of the Corporation, shall be used for human habitation whether or not the same is mounted on wheels.

4.27.1 On-Farm Diversified Use

Notwithstanding the Provisions of Section 4.27 to the contrary, in the case of agri-tourism and recreation uses associated with an On-farm Diversified Use, limited accommodation may be provided in alternative structures on the farm parcel. These may include, but are not limited to yurts, chuckwagons, or similar small accessory buildings, provided that any applicable OBC requirements are met.

4.28 PROHIBITED USES

The following uses are prohibited in any Zone:

- a) A track for the racing of motor vehicles, motorcycles, snowmobiles or recreational vehicles. Notwithstanding this provision, a track for the racing of motor vehicles, motorcycles, snowmobiles or recreational vehicles for a special event may be permitted where an application is made to the Municipality and where such application is approved by Council.
- b) Any facility for manufacturing, processing, otherwise using or storing, that presents an emergency-response hazard.
- c) Any facility containing a process that presents an emergency-response hazard.
- d) Except as otherwise specifically provided for herein, any mobile home or any rented site for a mobile home or any mobile home park which constitutes a “residential complex” as defined in the *Tenant Protection Act*.

- e) Any use by a tax-exempt non-government organization on a lot larger than 5.0 hectares (12.35 acres), excluding lands regulated, covenanted, or otherwise limited to not-for-profit environmental protection, conservation or community benevolent purposes.
- f) Any meat by-product processing plant, such as a rendering plant.

For the purposes of this section, an “emergency-response hazard” includes the following:

-) Substances that have to be handled by first responders donning special personal protective clothing that would put an undue burden on the emergency-response services of the Municipality (for example, Level “A” or “B” suits which meet NFPA 1991 *Standard on Vapour-Protective Suits for Hazardous Chemical Emergencies*, or *Standard on Liquid Splash Protective Suits for Hazardous Chemical Emergencies*, respectively, as referenced in the second edition *Hazardous Materials for First Responders*, published by the International Fire Service Training Association and distributed by the U.S. National Fire Prevention Association);
-) Substances that have to be handled in special ways, such as fire suppression other than with water or spill control other than with granular absorbent, that would put an undue burden on the emergency-response services of the Municipality;
-) Substances that inherently cause highly undesirable effects such as catastrophic explosions or gas/vapour clouds, that would unjustifiably put people at risk; and
-) Substances in quantities that pose risks of events that would be unmanageable by the Municipality without sophisticated emergency planning and response systems.

4.29 PUBLIC USES

4.29.1 General

Except as provided for in Section 4.29.2 hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public services provided by the Corporation of the Township of Otonabee-South Monaghan or any Public Authority including any department of the County of Peterborough or any Department or Ministry of the Government of Canada or Ontario, or any Conservation Authority, and for the purposes of this section shall include Hydro One; any telephone or telecommunication, cable television or telegraph company; and, any natural gas distribution system operated by a company which possesses all the necessary powers, rights, licenses and

franchises.

Solid waste landfill sites and sewage treatment facilities shall not be considered to be a public use for the purposes of this section.

4.29.2 Location Restrictions

Notwithstanding the provisions of Section 4.29.1, a Public Use shall be permitted in all areas on Schedule 'A' of By-law 2010-65 provided that:

- a) it is necessary in the area;
- b) it is located outside of significant wetlands wherever possible;
- c) the location is approved by the Municipality;
- d) it can be made compatible with its surroundings; and
- e) adequate measures to mitigate impacts are taken to ensure this compatibility in accordance with the provisions of this By-law.

The requirements of the Community Facility (CF) zone, specifically Sections 18.2, 18.3 and 18.4 shall apply to a Public Use, unless otherwise determined by a Public Authority.

4.29.3 Streets and Installations

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communication line, provided that the location of such main or line has been approved by the Corporation of the Township of Otonabee-South Monaghan. Such approval should not be required for any electric power facility authorized under the *Environmental Assessment Act*.

4.30 SETBACKS FROM WATER BODIES, WATERCOURSES AND WETLANDS

4.30.1 General Setback Provision

Except as otherwise specifically provided for herein, no new building or structure, or sewage system leaching bed, shall be erected within 30.0 metres (98.43 feet) of the normal high water mark of any water body and watercourse. This provision shall not apply to marinas; docks and other marine facilities; and pump houses and other minor accessory buildings or structures having an area of less than 10.0 square metres, and that are permitted by this By-law.

Where it is not possible to achieve the 30-metre setback on an existing vacant lot of record, new buildings or structures shall be set back as far as

possible from the high water mark. In this regard, a minor variance for a reduced setback for an existing vacant lot may be permitted provided that the variance maintains the general intent and purpose of the Official Plan of the Township of Otonabee-South Monaghan and this By-law, is minor in nature, and is desirable for the appropriate development or use of the land. Minor variances or amendments to this By-law to accommodate proposed expansions of a structurally-permanent nature to existing buildings or structures and/or septic systems that further reduce the 30-metre high water mark setback shall not be permitted unless it is a matter of public health and/or safety.

Notwithstanding any other provisions of this By-law to the contrary, the setback requirements of Section 4.30.1 shall not apply to lands within a "Hamlet" area as identified in the Official Plan of the Township of Otonabee-South Monaghan.

4.30.2 Wetlands

New development within 30 metres (98.43 feet) of the boundary of a wetland within the Environmental Protection (EP) Zone shall only be permitted with the approval of the local Conservation Authority. An approved Environmental Impact Study (EIS) may require a greater setback.

4.30.3 Special Provisions for Rice Lake Shoreline

Section 4.30.1 also applies to lots adjacent to the shoreline of Rice Lake including lots on islands in Rice Lake, and further, no new development shall be permitted below an elevation of 187.9 metres GSC, which is the regulatory flood elevation of Rice Lake, without the written approval of the local Conservation Authority.

4.31 SETBACKS ON PROVINCIAL HIGHWAYS, COUNTY ROADS AND TOWNSHIP ROADS

No person shall erect any building or structure unless such building or structure complies with the setback requirements of the authority having jurisdiction for the road, as follows:

- (a) The minimum setback from the centreline of all Provincial highways shall be as required by the Ontario Ministry of Transportation.
- (b) The minimum setback from the centreline of all County roads shall be as required by the County.
- (c) The minimum setback from the centreline of all Township roads shall be the distance required by the applicable zone, as measured from the abutting lot line.

**4.32 SPECIAL SEPARATION DISTANCE
INDUSTRIAL AND SENSITIVE LAND
USES**

Notwithstanding the minimum yard provisions of this By-law to the contrary, the following separation distances shall apply for industrial and sensitive land uses:

4.32.1 Industrial uses as defined herein shall be separated from sensitive land uses based on the following minimum setbacks:

- a) Class I Industrial Facility 20 m (65.62 ft.)
- b) Class II Industrial Facility 70 m (229.66 ft.)
- c) Class III Industrial Facility 300 m (984.25 ft.)

4.32.2 Notwithstanding subsection 4.32.1 to the contrary, the minimum setbacks from sensitive land uses may be reduced where mitigation at the industrial source is possible. Any reduction in the minimum setbacks required by Section 4.32.1 require an amendment to this By-law.

**4.33 SPECIAL SEPARATION DISTANCES –
PITS AND QUARRIES AND SENSITIVE LAND USES**

Notwithstanding the minimum yard provisions of this By-law to the contrary, the following separation distances shall apply for Extractive Industrial and sensitive land uses:

4.33.1 The minimum separation distance between a sensitive land use and the boundary of an Extractive Industrial (ME) Zone of a pit operating above the ground water table shall be 150 metres (492.13 feet).

The minimum separation distance between a sensitive land use and the boundary of an Extractive Industrial (ME) Zone of a pit operating below the ground water table shall be 300 metres (984.25 feet).

The minimum separation distance between a sensitive land use and the boundary of an Extractive Industrial (ME) Zone of a quarry shall be 500 metres (1,640.42 feet).

4.33.2 No sensitive land use shall be permitted within the separation distances set out in Section 4.33.1, and no pit or quarry shall be permitted within the separation distances set out in Section 4.33.1, unless appropriate measures have been undertaken to mitigate adverse or potential adverse impacts from the pit or quarry use such as visual impacts, noise, dust, traffic, or groundwater quality or quantity. Adverse impacts may be addressed by means that are acceptable to Council in consultation with the

appropriate authority such as the Ministry of Natural Resources and the Ministry of Environment. An amendment to this By-law shall be required to reduce the separation distances of Section 4.33.1.

4.34 SPECIAL SEPARATION DISTANCES - RAILWAY CORRIDORS

Notwithstanding the minimum yard provisions of this By-law to the contrary, the minimum setback for any dwelling or dwelling unit from a railway right-of-way shall be 60 metres (196.85 ft.).

4.35 SPECIAL SEPARATION DISTANCES - WASTE DISPOSAL AREAS

Notwithstanding the minimum yard provisions or other separation distances of this By-law to the contrary, the minimum separation distance between a sensitive land use shall be:

- (a) 500 metres (1,640.42 feet) to a Waste Disposal Industrial (MD) Zone for a sanitary landfill site or a solid waste landfill site; and
- (b) 120 metres (393.7 feet) to a Waste Disposal Industrial (MD) Zone for a waste transfer station, recycling facility, sewage treatment facility, or salvage yard; except where the provisions of Section 4.32 would require a greater minimum setback.

4.36 SIGHT TRIANGLES

Notwithstanding any other provisions of this By-law to the contrary, no person shall, within a sight triangle park a motor vehicle, as defined in the *Highway Traffic Act*, or erect any building or structure which would obstruct the vision of drivers of motor vehicles or use any land for the purposes of growing shrubs or trees in excess of 1.0 metre (3.28 ft.) in height.

4.37 SOLID-FUEL BURNING APPLIANCES

Outdoor solid-fuel burning appliances shall comply with the Municipality's By-law to Regulate the Location and Installation of Outdoor Solid-Fuel Burning Appliances.

For the purpose of this provision, an outdoor solid-fuel burning appliance shall mean an appliance that is intended to heat, using solid fuels for combustion.

4.38 SOURCE WATER PROTECTION SUFFIX (By-law 2017-47)

Source water protection planning is the first line of defense in a multi-barrier approach that seeks to prevent the contamination or overuse of surface water and

groundwater sources of municipal drinking water. This is achieved by evaluating threats to municipal drinking water sources and establishing policies and regulations to prevent, manage, or eliminate threats. The Township of Otonabee-South Monaghan is located within the Trent Conservation Coalition Source Protection Region and is subject to the policies of the Trent Source Protection Plan.

The purpose of the Source Water Protection Suffix is to prevent the inadvertent approval of Planning Act Applications and/or the issuance of building permits that may result in the establishment of a land use activity(ies) that are significant drinking water threats.

Development applications (i.e. Planning Act applications, building permit applications) for development with a Source Water Protection Suffix shall be accompanied by a Notice under Section 59(2) of the Clean Water Act, 2006, as amended.

Existing land use activities and/or an expansion of existing land use activities which pose a significant drinking water threat activity shall be managed pursuant to the Trent Source Protection Plan. Persons undertaking land use activities that are, or may be, significant drinking water threats may be subject to a Risk Management Plan(s).

Notwithstanding the permitted uses and zone provisions of any zone, the following land use activities shall be prohibited in an area with a Source Water Protection Suffix where they would constitute a future significant drinking water threat, unless otherwise stated in the Trent Source Protection Plan:

- a) The application, storage or management of agricultural source material;
- b) The application, handling or storage of non-agricultural source material;
- c) The application, handling or storage of commercial fertilizer;
- d) The application, handling or storage of pesticide;
- e) The handling or storage of road salt;
- f) The storage of snow;
- g) The handling or storage of fuel;
- h) The handling or storage of a dense non-aqueous phase liquid;
- i) The handling or storage of an organic solvent; or
- j) The use of land as livestock grazing or pasturing lands, an outdoor confinement area of a farm-animal yard.
- k) Waste Disposal Sites

Where the Province or other approval body has issued or approved a Prescribed Instrument, or the Township's Risk Management Official (RMO) issues a Notice pursuant to Section 59 of the Clean Water Act, a land use prohibited above may be permitted in accordance with the provisions of the main zoning category and all other applicable provisions of Zoning By-law 2010-65 as amended

4.39 THROUGH LOTS

(formerly 4.37)

Where a lot, which is not a corner lot, has lot frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of the Zone or Zones in which such lot is located.

Where a through lot does not abut an improved public street, and instead abuts a private right-of-way on two or more lot lines, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

4.40 WAYSIDE PITS AND QUARRIES

(formerly 4.38)

Notwithstanding the minimum yard provisions of this By-law to the contrary the following provisions shall apply for a wayside pit or quarry use:

4.40.1 No wayside pit or wayside quarry use may be established or made within 100 metres (328.08 ft.) of any Residential, Commercial or Community/Open Space Zone.

4.40.2 No new use in a Residential, Commercial or Community/Open Space Zone shall be permitted within 100 metres (328.08 ft.) of an existing wayside pit or wayside quarry for the length of time that such wayside pit or quarry is in operation.

4.40.3 No wayside pit or wayside quarry use may be established or made within 100 metres (328.08 ft.) of any waterbody or watercourse.

4.40.4 A portable asphalt plant and/or portable processing plant may be permitted within the area of such pit or quarry as an accessory use thereto.

4.41 ON-FARM DIVERSIFIED USES

(By-law 2021-18)

4.41.1 Relationship to Principal Use

The On-farm Diversified Use shall be secondary to the principal agricultural use of the property. The use shall be limited spatially and temporally and shall not interfere with surrounding agricultural operations.

4.41.2 Calculating Acceptable Area Limits

a) Lot coverage ratio shall be based on the total area occupied by the On-farm Diversified Use relative to the individual farm parcel on which the use is located.

- b) Up to 2% of the farm parcel on which the use is proposed to be located, to a maximum of 1 hectare may be permitted to be utilized for an On-farm Diversified Use.
- c) The area of existing, repurposed agricultural buildings will be calculated at 50%, when determining overall area of the proposed On-farm Diversified Use.
- d) The area of new buildings to be constructed, outdoor storage, septic systems, landscaped areas, berms, laneways and parking will be calculated at 100%
- e) The use of existing laneways and parking areas shared with agricultural uses are not included in area calculations.
- f) The gross floor area of buildings used for the On-farm Diversified Use shall not exceed 30% of the total area set aside for the On-farm Diversified Use.
- g) If more than one On-farm Diversified Use is located on a farm parcel, the combined area of all On-farm Diversified Uses should be 2% of the farm parcel up to 1 hectare.

4.41.3 Temporal Limits

The frequency and timing of events or activities associated with the On-farm Diversified Use shall not interfere with cropping cycles, or other agricultural uses on the farm or in the surrounding area.

4.41.4 Emergency Access

Emergency Access shall be provided by means of a driveway at least 6.0 metres (19.69 ft.) in width contained on the farm parcel on which the On-farm Diversified Use is located and leading to an improved public street as defined herein.

4.41.5 Servicing

The farm operator shall demonstrate to the satisfaction of the Township CBO and/or Peterborough Public Health that the On-Farm Diversified Use that there is an adequate supply of potable water available on site, and all relevant sewage disposal requirements under the Ontario Building Code can be complied with, or satisfactory alternate arrangements can be made.

4.41.6 Illumination

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

4.41.7 Noise Mitigation and Buffering

The farm operator shall provide the Township with a Noise Mitigation Plan, including but not limited to:

- a) hours of operation,
- b) location, size and direction of any amplification equipment;
- c) buffering or sound mitigation measures.

4.41.8 Traffic Impact Considerations

Where a proposed on-farm diversified use is anticipated to generate additional traffic beyond that which is normally associated with a principal agricultural use of a property, the roads authority having jurisdiction may require the farm operator to demonstrate that the entrance is suitable for the proposed use and may require a traffic impact assessment or similar report to be submitted.

4.41.9 Expansion to an On-Farm Diversified Use

On lands zoned Agricultural (A), before a Building Permit can be issued for the expansion to an On-farm Diversified Use, the Township must be satisfied that the criteria established herein for such use, or any applicable PPS criteria can be met. In the event that such criteria cannot be met for the use, the building permit(s) may be withheld. The Township will encourage the farm operator to relocate the use to a suitable location outside a prime agricultural area.

On lands zoned Rural (RU) the Township may consider an application for an amendment to the Comprehensive Zoning Bylaw to recognise the expansion of the On-Farm Diversified Use to a larger-scale business.