

The Corporation of the Village of Casselman

By-law No. 1996-635

Being a By-law to regulate the use of land, buildings and structures within the Village of Casselman;

WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O., 1990, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

AND WHEREAS the Council of the Corporation of the Village of Casselman has adopted an Official Plan and deems it appropriate to implement the plan;

NOW THEREFORE the Council of the Corporation of the Village of Casselman enacts as follows:

(Text of Zoning By-law)

Read a first and second time this ____ day of _____, 1996.

Reeve

Clerk

Read a third time and adopted this ____ day of _____, 1996.

Reeve

Clerk

Certified that the above is a true copy of By-law No. 1996-635 as enacted and passed by the Council of the Corporation of the Village of Casselman on the ____ day of _____, 1996.

Clerk

Section 1 ADMINISTRATION

Explanatory Note

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

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No. 1996-635 of the Corporation of the Village of Casselman. The Zoning Map hereunto annexed as Schedule "A" is declared to be part of the by-law.

1.2 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Village of Casselman.

1.3 Effective Date

Subject to the provisions of the Planning Act, this By-law shall come into full force and effect as of the date of passing hereof by Council.

1.4 Applications and Plans

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

- (a) the true dimensions and/or legal description of the lot to be built upon or otherwise used;**
- (b) the proposed location, height and dimensions of any building, structure or use proposed for such lot;**
- (c) the proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-law;**

- (d) the location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;
- (e) a statement, signed by the owner disclosing the exact use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law;
- (f) any information as may be required under the Planning Act or regulation thereto.

1.5 Request for Amendment

Every request for an amendment to this Zoning By-law shall be accompanied by two (2) completed copies of the Corporation's "Application for Amendment to Zoning By-law" and/or the Planning Act or as many copies as may be required.

1.6 Enforcement

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

1.7 Inspection of Land, Buildings and Structures

- (a) Subject to Section 49 of the Planning Act, R.S.O., 1990, the "Zoning Administrator" or any other officer or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-law.
- (b) Despite any provisions of Section 1.7 (a) hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 142 of the Provincial Offences Act, R.S.O. 1990.

1.8 Penalty

- (a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent

conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.

- (b) Where a corporation other than the Village of Casselman is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the Municipal Act or the Planning Act in that behalf.

1.9 Repeal and Relationship to Former By-laws

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the Planning Act, R.S.O., 1990, or its predecessor, are hereby repealed.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

1.10 Validity

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

1.11 Other By-laws, Licenses, Permits and Regulations

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

1.12 Certificate of Occupancy

No change shall be made in the type of any use of any land, building or structure within any zone, without first obtaining a Certificate of Occupancy from the Municipality.

VILLAGE OF CASSELMAN
Comprehensive Zoning By-law

1.13 Conflict

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

Section 2 CONFORMITY REQUIREMENTS
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Explanatory Note

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

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

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

Section 3 DEFINITIONS

Explanatory Note

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

3.1 Accessory

When used to describe a use, building or structure, means a use, separate or detached building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.

- (a) **Accessory Dwelling** means a fully-detached dwelling which is accessory to a permitted non-residential use and is occupied either by the owner of such non-residential use or by a person employed on the lot where such dwelling is located.
- (b) **Accessory Dwelling unit** means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automotive service station or a commercial garage. Such dwelling unit shall be occupied either by the owner of such non-residential building or by a person employed on the lot where such dwelling unit is located.

3.2 Alter

When used in reference to a building, structure or part thereof, means:

- (a) to change any one or more of the external dimensions of such building or structure; or
- (b) to change the type of construction of the exterior walls or roof of such building or structure; or
- (c) to change the use of such building or structure; or
- (d) to change the number of uses or dwelling units contained therein.

Alter, when used in reference to a lot, means:

- (e) to change the boundary of such lot with respect to a street or lane; or
- (f) to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or
- (g) to change the use of such lot; or
- (h) to change the number of uses located thereon.

Altered and alteration shall have corresponding meanings.

Animal Clinic/Animal Hospital (see Veterinary Establishment)

Apartment (see Dwelling - Apartment)

3.3 Attached

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

3.4 Attic

Means that portion of a building immediately below the roof and wholly or partly within the roof framing.

3.5 Auditorium

Means a building, structure or part thereof where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an assembly hall, arena, community centre, gymnasium, stadium, theatre or similar use.

3.6 Auto Body Shop

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

3.7 Auto Repair Garage

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

3.8 Automotive Sales Establishment

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

3.9 Automotive Service Station

Means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made;

- (a) motor vehicle repairs including brakes, exhaust and electrical systems and tires;
- (b) greasing and lubrication;
- (c) washing and polishing, and sale of automotive washing and polishing materials other than a car washing establishment as defined;
- (d) minor bodywork;
- (e) sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- (f) provision of road maps and other informational material to customers;
- (g) provision of rest room facilities; and,
- (h) repair or maintenance of other recreational vehicles such as bicycles, snowmobiles, motorhomes, tent trailers, etc.

3.10 Bachelor Suite

Means a self-contained unit in an apartment building, consisting of a bed sitting room combination, a kitchen, a bathroom and spaces normally accessory thereto.

3.11 Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

3.12 Bakery

Means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

3.13 Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Basement (see Storey)

3.14 Batching Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the productions process or of finished products manufactured on the premises and the storage and maintenance or required equipment, but does not include the retail sale of finished asphalt or concrete products.

3.15 Bed and Breakfast Establishment

Means an existing private dwelling designed to be used in part for the accommodation of the travelling or vacationing public, containing therein six (6) or fewer suites or guest rooms.

3.16 Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the Gaming Control Act and is in compliance with municipal by-laws and approvals.

3.17 Boarding or Lodging House

Means a dwelling or portion thereof containing rooms in which the proprietor supplies for gain, lodging with or without meals, but does not include a bed and breakfast establishment, a hotel, a hospital, children's home, home for the aged, or other establishments otherwise classified or defined in this By-law.

3.18 Building

Means any structure, consisting of walls and a roof, which is used or intended for use as a shelter, accommodation of persons or enclosure of animals, equipment, goods or materials.

- (a) **Main Building** means the building which contains the principal use of the lot on which such building is located.

3.19 Building Area

Means the maximum projected horizontal area of a building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

3.20 Building By-law

Means any By-law of the Corporation passed pursuant to the Building Code Act, R.S.O. 1990.

3.21 Building Contractor's Shop

Means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space or maintenance facilities, but shall not include a retail business sales counter nor a wholesale business.

3.22 Building Height

Means the vertical distance between the average finished grade at the base of the building and in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.

In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple or antenna, or silo, is not to be included.

3.23 Building Line

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

3.24 Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any buildings on a lot.

3.25 Building Supply Centre

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a salvage yard or any establishment otherwise defined herein or specifically named elsewhere in this By-law.

3.26 Bulk Fuel Depot

Means lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

3.27 Business Office

Means a building or part of a building where one or more persons are employed in administering, directing, managing or conducting the affairs of a private enterprise. This definition shall not include any manufacturing operation or any premises used for repairing equipment, goods, materials or vehicles.

3.28 Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, recreational vehicles or campers and may include accessory uses such as a laundromat, convenience store or recreational uses for persons using the campground.

3.29 Canopy

Means a roof free of enclosing walls over an entrance to a building, structure or gasoline pump island.

3.30 Car Rental Agency

Means the use of land, or building or structure where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up.

3.31 Car Washing Establishment

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

3.32 Carport

Means a roofed structure, supported by columns, piers or not more than three walls, which is used for the sheltering of permitted vehicles.

Cellar (see Storey)

3.33 Cemetery

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

3.34 Chief Building Official

Means an officer or employee of the Corporation of the Village of Casselman charged with the duty of enforcing the provisions of the Building Code Act.

3.35 Clinic

Means a building or part of a building used solely for the purpose of consultations, diagnosis and treatment of patients, one or more legally qualified physician, dentist, optometrist, chiropodist, chiropractor or drugless practitioner, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery, a hospital or home profession.

3.36 Club

Means a building or premises used as an athletic, recreational, service or social club. This definition may include the premises of a fraternal organization.

Commercial Garage (see Garage, Commercial)

3.37 Commercial Vehicle

Means a vehicle used for commercial trade or government services and without limiting the foregoing includes delivery vehicles, emergency vehicles, motor buses, farm tractors, tractors and tractor trailers and single or multiple axle trucks.

3.38 Condominium

Means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the Condominium Act.

3.39 Conservation Authority

Means the South Nation River Conservation Authority.

3.40 Conservation Use

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

3.41 Contractors or Trades Person Shop

Means the yard of a building contractor or trades person used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes a business office and/or facilities where manufacturing, fabricating or repairs performed by the contractor or tradesman are carried out and includes the stockpiling or storage of supplies and equipment used in the business, but does not include the wholesale or retail sale of building supplies or home improvement supplies.

3.42 Convenience Store

Means a building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise as is required to fulfil the day-to-day needs of a surrounding community and may include a video rental outlet, post office and banking machine.

3.43 Corporation

Means the Corporation of the Village of Casselman except with respect to Section 1.8 of this By-law wherein a Corporation means a body Corporate with share capital to which the Business Corporations Act applies.

3.44 Council

Means the Council of the Corporation of the Village of Casselman.

3.45 County

Means the Corporation of the United Counties of Prescott and Russell.

3.46 Custom Workshop

Means a building or part thereof where individual custom productions of goods or materials are made but does not include any establishment where the manufacture of goods or materials is performed on a mass production or assembly line basis nor any shop or factory otherwise defined in this by-law.

3.47 Day Nursery - Licensed

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

3.48 Day Nursery - Private Home

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

Daylighting Triangle (see Sight Triangle)

3.49 Deck

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

3.50 Density

Means the maximum number of dwelling units allowed by this by-law based on lot area. A fraction of one-half or more in value shall be counted as one dwelling unit.

- 3.51 Detached**
- Means when used in reference to a building, a building which is not dependent on any other building for structural support or enclosure.
- 3.52 Dining Room**
- Means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.
- Dish Antenna (see Satellite Dish/Receiver)**
- 3.53 Driveway**
- Means an unobstructed passageway used to provide vehicular access to a lot from a street or lane.
- 3.54 Dry Cleaning Distribution Establishment**
- Means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to a process of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric which have been received therein.
- 3.55 Dry Cleaning and Laundry Establishment**
- Means a building or part of a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric may be performed. This definition may include a dry cleaning or laundry outlet.
- 3.56 Dwelling**
- Means a detached building occupied or capable of being occupied as the home, residence or sleeping place by one or more persons, and containing one or more dwelling units.
- Dwelling - Accessory (see Accessory Dwelling)**
- 3.57 Dwelling - Apartment**
- Means a dwelling containing three (3) or more dwelling units but shall not include a townhouse dwelling.

3.58 Dwelling - Converted

Means a dwelling originally constructed as a single detached dwelling unit which has been converted but not enlarged by partition and/or the addition of sanitary and cooking facilities into two dwelling units.

3.59 Dwelling - Duplex

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

3.60 Dwelling - Modular

Means a prefabricated single detached dwelling built in accordance with the Building Code being so constructed or assembled that the shortest side of such dwelling is not less than 6 m (19.7 ft.) in width.

3.61 Dwelling - Quadruplex

Means a dwelling that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

3.62 Dwelling - Semi-detached

Means a dwelling divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof line.

3.63 Dwelling - Single-detached

Means a detached building containing one (1) dwelling unit, such definition includes a modular dwelling.

3.64 Dwelling - Townhouse

Means a building divided vertically into three or more dwelling units attached by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

3.65 Dwelling - Triplex

Means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly or through a common vestibule.

3.66 Dwelling Unit

Means one (1) room or a group of rooms in one (1) building, used for residential occupancy, housing food preparation and sanitary facilities and a private entrance from outside the building or from a common hallway or stairway inside the building.

Dwelling Unit - Accessory (see Accessory)

3.67 Easement

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

3.68 Equipment Rental Establishment

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures which would be used for home improvements, household purposes, and business industrial undertakings.

3.69 Equipment Sales Establishment - Industrial

Means a building or part of a building or place where machinery or equipment for use in industrial and major construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale.

3.70 Equipment Service and Repair Establishment - Industrial

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

3.71 Equipment Storage Building

Means a building wholly enclosed used for the storage of machinery and equipment for use in a commercial or industrial business and does not include outdoor storage or display.

3.72 Equipment and Vehicle Storage Yard - Industrial

Means an uncovered area which is used for the storage of machinery and equipment for use in industrial and major construction undertakings, commercial vehicles, and other similar goods requiring large areas for outside storage. Limited repair of such machinery, equipment, vehicles and goods may

be permitted in a building provided such repair is clearly incidental and secondary to the storage use.

3.73 Erect

Means to build, construct, place, reconstruct or relocate and, without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining;
- (b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) any work which requires a building permit.

Erected and Erection shall have corresponding meanings.

3.74 Established Building Line

Means the average setback distance from the street line of existing buildings on one side of a continuous 150.0 metre (492.1 ft.) strip of land where three (3) or more adjacent lots having street access upon the same side of the street have been built upon.

3.75 Established Grade

Shall mean:

- (a) when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- (b) when used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- (c) when used with reference to a street, road or highway, the elevation of the street, road or highway established by the Township or other designated authority.

3.76 Existing

Means existing as of the date of the final passing of this By-law and shall also be known as the Effective Date (see Section 1.3).

Exterior Side Lot Line (see Lot line)

Exterior Side Yard (see Yard)

3.77 Factory Outlet

Means a building or part of a building where products or goods are manufactured or produced on site for wholesale or retail sale or are manufactured off-site for wholesale or retail sale.

3.78 Farm

Means land used for the tillage of soil or the growing of vegetables, fruits, grains, or other crops. This definition may also apply to land used for apiaries, livestock raising, dairying or woodlots.

- (a) **Specialized Farm** means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl; the raising of fur bearing animals; the raising of swine, sheep, goats or cattle on feed lots; or the growing of mushrooms.

3.79 Farm Produce Outlet

Means a use, accessory to a farm, which consists of the retail sale of locally grown agricultural products.

3.80 Fence

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

3.81 Flea Market

Means an occasional, periodic or permanent market held in a building and/or open area where groups of individual sellers offer goods, new and used, for sale to the public.

3.82 Flood Line

Means the line defined by the one in one hundred year flood storm. Along the South Nation River in the Village of Casselman, the flood line corresponds with the 44 m (144.4 ft.) contour line (Canadian Geodetic Datum).

3.83 Flood Plain

Means the area at or below the one in one hundred year flood line.

3.84 Floor Area - Gross

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

3.85 Floor Area - Net

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

- a) any private garage, porch, veranda, and unfinished basement, cellar or attic;
- b) any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- c) any part of the building or structure used for the storage or parking of motor vehicles.

3.86 Forestry Use

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

Front Lot Line (see Lot Line)

Front Yard (see Yard)

Frontage (see Lot Frontage)

3.87 Funeral Parlour

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

3.88 Garage - Commercial

Means a building where all functions of an automotive service station may take place and where major repairs of motor vehicles are performed. Such repairs may include all mechanical repairs as well as body work but shall not include

dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.

3.89 Garage - Municipal

Means a building which is used for the storage or servicing or minor repairs of equipment essential to the actual operation of motor vehicles owned and maintained by the Village of Casselman, the United Counties of Prescott and Russell and any department of the Government of Ontario or Canada.

3.90 Garage - Parking

Means an enclosed structure used for the temporary parking of more than four vehicles and available for public use either free, for compensation or as an accommodation to customers.

3.91 Garage - Private

Means an accessory building or portion of a main building which is fully enclosed and is designed or used for primarily parking or for the storage of motor vehicles and household equipment of the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use. This definition shall not include a carport or other open shelter.

3.92 Garden Centre

Means an outdoor area primarily used for the retail of gardening equipment, products and planting materials provided it is clearly accessory to a retail store and is enclosed by a wall, a fence or other form of visual screen constructed of materials consistent with the associated retail store.

3.93 Garden Suite

Means a one-unit detached residential structure other than a mobile home or recreational vehicle as defined, containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

3.94 Gas Bar

The use of land, or building, or structure where vehicle fuel or lubricants, are offered for sale but where no provision is made for the repair or maintenance of vehicles. For the purpose of this definition, the sale of associated sundry items and the sale of prepared foods for consumption off the premises may be allowed in conjunction therewith.

3.95 Gasoline Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards, but does not include a fuel depot.

3.96 Gasoline Pump Island

Means a structure which is intended to provide for the dispensing of gasoline for vehicles, the storage of oil, windshield wash and other sundry items for vehicles, and which may contain a kiosk for the attendant.

3.97 Golf Course

Means a public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses.

3.98 Grade

Means when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway by the Village or other designated authority.

3.99 Group Home

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

3.100 Guest Room

Means a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

3.101 Habitable Room

Means a room designed to provide living, dining, sleeping, or kitchen accommodation for persons. This definition may include a bathroom, den, library or enclosed sun room but shall not include any private garage, carport, porch, verandah, unfinished attic, unfinished basement, or unfinished cellar.

Height (see Building Height)

3.102 High Water Mark

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

3.103 Highway

Means a public improved road under the jurisdiction of the Provincial government.

3.104 Home for the Aged

Means a nursing or convalescent home for elderly people.

3.105 Home Occupation or Home Based Business

Means the accessory use of part of a dwelling unit for pursuits conducted entirely therein by the occupant thereof and compatible with a domestic household provided that:

- (a) the use is clearly secondary or accessory to the use of the dwelling unit as a private residence and shall be located entirely within the dwelling unit and may include;
 - (i) instruction in or businesses, or studios for music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, wood working, painting or sculpting, sewing, hairdressing or similar uses;
 - (ii) businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters or operators of commercial vehicles, including school buses;

- (iii) businesses involving the repair of small appliances, radios, televisions and similar items, skate or knife sharpening or similar uses;
 - (iv) an office used by a physician, dentist or other medical practitioner, an insurance agent, accountant, engineer, sales person or a person engaged in a similar occupation;
 - (v) businesses which provide professional or technical services principally to off-site clients, which use computer based or information based technologies. Such businesses may have a limited in-house consulting component;
- (b) there shall be no outdoor storage or display to indicate to persons outside that any part of the property is being used for other than residential or agricultural uses except for an unlit sign of not more than 1.1m²(12.0 ft.²);
 - (c) the use does not create or become a public nuisance in regard, for example, to noise, odour, traffic, parking or health safety;
 - (d) the use does not occupy more than 25% of the gross floor area of the dwelling unit, or 40 m⁵ (431 ft.²) whichever is the lesser;
 - (e) not more than 20 m⁵ (215.3 ft.²) of floor area in one accessory building is used for such purposes and only if such accessory building is located a minimum of 3 m (9.8 ft.) from all lot lines;
 - (f) only persons who live in the dwelling may be employed in the business;
 - (g) there is no storage of hazardous materials such as paint or other flammable, corrosive or explosive substance;
 - (h) one off-street parking space shall be provided for each 20 m⁵ (215.3 sq.ft.) or part thereof of floor area devoted to the business in addition to that required for the residential use. Not more than 15% of the total lot area may be devoted to parking facilities;
 - (i) where a business is the office of a veterinarian, physician, or dentist, the use shall be for consultation and emergency treatment and not as a clinic or hospital;
 - (j) where instruction is carried on, no more than six pupils are in attendance at one time;
 - (k) no mechanical or electrical equipment shall be used which would create audible or visual or electrical interference off the premises.

3.106 Hospital

Means a hospital as defined by the Private Hospitals Act or a hospital as defined by the Public Hospitals Act.

**3.107 Hotel (see Tourist Establishment)
Industrial Use**

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

3.108 Institutional Use

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

Interior Lot (see Lot)

Interior Side Lot Line (see Lot Line)

Interior Side Yard (see Yard)

3.109 Kennel

Means a building or structure which is municipally licensed where animals are boarded or trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society shelter or pound.

3.110 Landscaping

Means any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use, but shall not be limited to exclude any requirement of a site plan control agreement under Section 41 of the Planning Act, R.S.O. 1990, as amended.

3.111 Landscaping Area

Means that portion of the lot area of a lot required for landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway, traffic aisle or ramp (whether surfaced or not) nor any curb, retained wall, parking area, loading space nor any open space beneath or within a building or structure.

3.112 Lane

Means a public thoroughfare whether or not improved for use, which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

3.113 Laundromat

Means a building or structure where coin-operated laundry machines using only water and soaps or detergents are used and are made available to the public for the purpose of laundry cleaning, and provided that no such operation shall emit any noise, fumes, or vibration which may cause a nuisance or inconvenience within or off of the premises.

3.114 Loading Space

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

3.115 Lot

Means a parcel of land which is capable of being legally conveyed in accordance with Section 50 of the Planning Act, R.S.O., 1990, as amended.

3.116 Lot, Corner

Means a lot situated at the intersection of 2 street lines, which contain an angle of intersection of not more than 135 degrees, provided that where such lot is curved the angle shall be calculated at the intersection of the tangents to the street lines, drawn through the extremities of the interior side lot lines, and the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

3.117 Lot, Interior

Means a lot other than a corner or a through lot which is situated between adjacent lots and having access to a public street.

3.118 Lot, Through

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

3.119 Lot Area

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

3.120 Lot Coverage

Means the combined floor areas of all the buildings on the lot measured at the level of the lowest floor above grade in relationship to the area of the lot and expressed as a percentage. Lot coverage shall not include balconies, canopies and overhanging eaves, provided none of the foregoing are less than 2.4 m (7.9 ft.) above finished grade.

3.121 Lot Frontage

Means the horizontal distance between the 2 side lot lines which intersect the front lot line of a lot, such distance being measured along a line which is parallel to the front lot line and distant from the front lot line a distance of 6.0 m (19.7 ft.).

3.122 Lot Line

Means any boundary line of a lot or the vertical projection thereof.

- (a) **Front Lot Line** means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except, where the lot lines abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line.
- (b) **Exterior Side Lot line** means the side lot line which abuts the street on a corner lot.
- (c) **Interior Side Lot Line** means a lot line which intersects a front lot line or an exterior side lot line provided that, if any interior side lot line or portion thereof is the rear lot line on an abutting lot, such lot line or portion thereof shall be deemed to be a rear lot line.

- (d) **Rear Lot Line** means any lot line which is not a front lot line, an exterior side lot line or an interior side lot line.

Main Building (see Building)

- 3.123 Main Wall**
- Means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or a roof.
- 3.124 Manufacturing**
- Means the use of land, buildings or structures for the purpose of producing, assembly, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adopting for sale of any goods, substance, article or service.
- 3.125 Manoeuvring Aisle**
- Means a space which services two or more parking spaces in a parking lot, such as the area between two rows of parking spaces.
- 3.126 Marine Facility**
- Means an accessory building or structure which is used to moor, berth or store a boat. This definition may include a boat launching ramp, boat lift, dock or boat house but does not include any building or structure for human habitation or any boat service, repair or sales facility.
- Medical/Dental Clinic (see Clinic)**
- 3.127 Mini Warehouse and Public Storage**
- Means a commercial building or part of a building wherein general merchandise, vehicles, boats, trailers, furniture, and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.
- 3.128 Miniature Golf Course**
- Means an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to stimulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.
- 3.129 Mobile Home**

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

Modular Home (see Dwelling, Modular)

Motel (see Tourist Establishment)

Neighbourhood Store (see Convenience Store)

Net Floor Area (see Floor Area)

3.130 Non-Complying

When used in reference to a lot, building or structure, means a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

3.131 Non-Conforming

When used in reference to a use, building or structure, means a use, building or structure which is not a permitted use in the zone where such use, building or structure is located.

3.132 Nursing or Convalescent Home

Means a building used in accordance with the definition in the Nursing Homes Act, and amendments thereto.

3.133 Obnoxious Uses

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

3.134 Occupancy Permit

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

Office (see Business Office)

3.135 Official Plan

Means the Official Plan of the Village of Casselman or parts thereof and amendments thereto.

3.136 Open Storage

Means the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as building materials supply yards but does not include the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of the lot, a parking area or a parking space or a storage use or area located inside a building.

3.137 Open Storage Area

Means an area within or outside of a building used or intended for use for the open storage of goods, merchandise or equipment which may or may not be intended for immediate sale.

3.138 Outdoor Display Area

Means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished merchandise, equipment, goods or products sold by a retail or wholesale business on the same lot.

3.139 Park

Means an area, consisting largely of open space, which may include a recreational area, playground, playfield, athletic facilities, cultural or conservation uses, heritage or historical site or similar use.

(a) **Public Park** means a park owned or controlled by the Corporation, the County or by a Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.

(b) **Private Park** means a park other than a public park.

3.140 Parking Area

Means an area or structure provided for temporary storage or the parking of motor vehicles and includes any related driveways, traffic aisles, or parking spaces, but shall not include any part of a street or lane. This definition may include a private garage or carport.

- 3.141 Parking Lot**
- Means any parking area other than a parking area which is accessory to a permitted use and located on the same lot.
- 3.142 Parking Space**
- Means a portion of a parking area, exclusive of any ramps, columns, driveways or traffic aisles, which may be used for the temporary parking or storage of a motor vehicle.
- (a) **Handicapped Parking Space** means a parking space devoted to the exclusive use of persons who are physically challenged and which are specifically designated by means of a sign and/or pavement markings.
- 3.143 Permitted**
- Means permitted by this By-law.
- 3.144 Permitted Use**
- Means a use which is listed under the heading "Permitted Uses" in the zone where such use is located.
- 3.145 Person**
- Means an individual, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- Personal Service Establishment (see Service Establishment, Personal)**
- 3.146 Pet Shop**
- Means a shop or place where animals or birds for use as pets are sold, kept for sale or groomed, where pet supplies and pet foods are sold but does not include a shop for breeding or boarding of pets.
- 3.147 Place of Amusement**
- Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a cinema, a video or penny arcade, billiard or pool room, bowling alley, pinball machines and video or electronic games, a non-alcoholic dance or entertainment premise, a miniature golf course

and other similar places of amusement but shall not include an adult video game establishment for the viewing or sale of erotica or pornography or an adult entertainment parlour in which is provided services, a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

3.148 Place of Worship

Means a building or an open area dedicated to religious worship and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a church day nursery, a church assembly hall or auditorium, a school of religious education, convent monastery, parish hall, or similar use.

3.149 Planting Strip Width

Means the least horizontal dimension of a planting strip, specifically 1 m (3.2 ft.), measured perpendicularly to the lot line abutting such planting strip (see Section 4.13.2).

3.150 Printing and Publishing Establishment

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

3.151 Privacy Area

Means an area adjoining an exterior wall of a dwelling unit which is clear and unobstructed by any public or common pedestrian access, driveway or surface parking area and is intended for the exclusive use for leisure or other purposes of the occupants of such dwelling unit.

3.152 Public Authority

Means the Village of Casselman and any Boards or Commissions thereof, the United Counties of Prescott and Russell and any Board or Commission thereof, any public company supplying natural gas to the Community, the Hydro-Electric Power Commission of Ontario, and any Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

3.153 Public Utility Installation

Means:

- (a) any building, structure, plant and/or equipment, essential to the operation of a public utility or service; and**

- (b) which is operated by or on behalf of but not limited to any of the following:**
 - ! Ontario Hydro**
 - ! any railway company authorized under the Railway Act**
 - ! A Fuel Transmission Company**
 - ! A telephone company or a Cablevision Company or other authority regulated by the Canadian Radio-Television and Telecommunications Commission**
 - ! Any company which is incorporated to provide an essential utility facility or service whether federally or provincially incorporated or regulated by a federal or provincial authority, or which the Government of Canada, the Province of Ontario, the United Counties of Prescott and Russell or the Village of Casselman operates or has operated for them on their behalf.**

Rear Lot Line (see Lot Line)

Rear Yard (see Yard)

3.154 Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, campers and boats.

3.155 Restaurant

Means a building or part of a building where food is offered for sale or sold to the public for immediate consumption in the dining room of such building or for consumption off such premises through take-out or delivery and includes a snack bar or coffee shop.

3.156 Retail Outlet

Means a building or part of a building accessory to a permitted use, in which goods, ware, merchandise, substances, articles or things are offered or kept for retail sale to the public. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

3.157 Retail Store

Means building or part of a building in which goods, ware, merchandise, substances, articles or things are offered or kept for retail sale to the public. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Rooming House (see Boarding or Lodging House)

3.158 Salvage Yard

Means an establishment or premises where, bottles, junk, rags, scrap metals, wrecked vehicles or parts therefrom are stored wholly or partly in the open.

3.159 Sanitary Sewage Works

Means a system of underground conduits, operated by the Corporation or by the Ministry of Environment and Energy which carries sewage to a sewage treatment facility.

3.160 Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

3.161 School

Means a public educational establishment operated by a Board of Education as defined in the Education Act.

3.162 School, Commercial

Means a commercial establishment which offers instruction in a specialized field including, but not limited to, computer training, music, sports, arts and crafts.

3.163 School, Private

Means an educational establishment other than a School, wherein academic subjects are taught generally at the private expense of those enrolled in the establishment.

3.164 Seat

Means a place on or in which one sits. Where provided by benches, forms or pews, each 0.6 linear metre (2.0 ft.) of seating space shall be the equivalent of one (1) seat.

3.165 Secondhand Shop

Means a building or part of a building in which used goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a pawnshop, an antique store, an opportunity shop or similar use but no open storage is permitted other than during regular business hours.

Semi-detached Dwelling (see Dwelling)

3.166 Service Establishment, Personal

Means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop including clothing alterations, a shoe repair shop, a tailor shop, a photographic studio or similar use.

3.167 Service Outlet

Means an establishment wherein articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles.

3.168 Setback

Shall mean:

- (a) With reference to a road or street, the least horizontal distance between a lot line and the nearest portion of the main wall of a building.
- (b) With reference to a water body, the distance between the flood line and the nearest portion of the main wall of a building.
- (c) With reference to an interior lot or a through lot, the space between the front lot line and the nearest portion of the main wall of a building.
- (d) With reference to a corner lot, the space between the nearest portion of the main wall of a building and the street line, and the space between the side lot line abutting the flanking street, and the nearest portion of the main wall of a building.

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3.169 Shopping Centre

Means a group of restricted business uses designed, developed and managed as a unit, having the off-street parking provided on the site.

3.170 Sight Triangle

Means an area free of buildings or structures and which area is to be determined by measuring from the point of intersection of street lines on a corner lot or the intersection of a street line and railway right-of-way, the distance required by this By-law (see Section 4.27) along each such street line or railway right-of-way and joining such points by a straight line. The triangular shaped land between the intersecting street lines or railway right-of-way created by the straight line joining the points of the required distance along the street line, or railway right-of-way is the Sight Triangle.

3.171 Sign

Means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization, business or service.

(a) Legal Sign means a sign which complies with the sign by-laws of the Corporation.

3.172 Snack Bar or Coffee Shop

Means a public eating place where snacks or a light meal are served and may include take-out foods.

3.173 Storey

Means that portion of a building or structure between any floor level of such building or structure and the floor, ceiling or roof next above such floor level.

(a) First Storey means the storey with its floor closest to finished grade and having its ceiling at least 1.5 m (4.92 ft.) above finished grade.

(b) One-Half Storey means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 m (6.56 ft.) (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

(c) Attic means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

- (d) **Basement** means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).
- (e) **Cellar** means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

3.174 Street or Road

Means a public or common highway affording principal means of access to abutting properties. This definition shall not include a private lane or private right-of-way.

- (a) **Public Street** shall mean a Municipal Road which has been assumed by the Corporation and is maintained on a regular year-round basis or a Provincial Highway or a County Road.

3.175 Street Line

Means the limit of a street allowance and is a dividing line between a lot and a street.

3.176 Structure

Means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

3.177 Swimming Pool

Means an open or covered pool which is at least 50 cm (19.6 inches) in depth, but excludes a hot tub or whirlpool.

3.178 Tavern

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

3.179 Temporary Use

Means a use established for a fixed period of time by By-law under Section 38 of the Planning Act, R.S.O. 1990, as amended, with the intent to discontinue such use upon the expiration of the time period.

Through Lot (see Lot)

3.180 Tourist Establishment

Means a building or buildings designed or used for the accommodation of the travelling or vacationing public. This definition may include a hotel, motel or lodge.

3.181 Tourist Outfitters Establishment

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

3.182 Tourist Trailer

Means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (despite that its running gear is or may be removed).

Townhouse (see Dwelling, Townhouse)

3.183 Transport Trailer

Means any vehicle so constructed that it is suitable for being attached to a motor vehicle or tractor and capable of being used for transporting goods, materials or livestock, despite that such vehicle is jacked up or its running gear is removed.

3.184 Transportation Depot

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

3.185 Transportation Terminal

Means the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses and may include an open storage area, warehouse or bulk fuel depot.

3.186 Truck Stop

Means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories

or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

3.187 Use

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

3.188 Utility

Means a public utility as defined by the Public Utilities Corporations Act.

3.189 Vehicle

Means any vehicle as defined in the Highway Traffic Act.

3.190 Vehicle Agency

Means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

3.191 Veterinary Establishment

Means a building or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment, but does not include a commercial kennel or research facility.

3.192 Video Rental Outlet

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

3.193 Warehouse

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

3.194 Water Works System

Means the supply and distribution system of underground piping and related storage or reservoir, including pumping and purification appurtenances and water filtration plant which is owned and operated by the Corporation or by the Ministry of Environment and Energy.

3.195 Waterbody or Watercourse

Means any bay, lake, natural watercourse or canal, other than a drainage ditch or irrigation channel.

3.196 Welding Shop

Means the use of land, building, or structure where pieces of metal are welded or fabricated.

3.197 Wholesale Establishment

Means a building, structure or part thereof used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use.

Wrecking Yard (see Salvage Yard)

3.198 Yard

Means a space, appurtenant to a building, structure or excavation, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, structures or uses as are specifically permitted by this By-law.

- (a) **Front Yard** means a yard located between the front lot line of the lot and the nearest part of any main building on the lot and extending across the full width of the lot.
- (b) **Exterior Side Yard** means a yard located between the exterior side lot line of the lot and the nearest part of the main building on the lot and extending from the front yard to the rear yard. In the case of a lot which has no rear lot line, the exterior side yard shall extend from the front yard to the opposite interior side yard.
- (c) **Interior Side Yard** means a yard located between the interior side lot line of the lot and the nearest part of the main building on the lot and extending from the front yard to the rear yard. In the case of a lot which has no rear lot line, the interior side yard shall extend from the front yard to the exterior side yard.

(d) Rear Yard means a yard located between the rear lot line of a lot and the nearest part of the main building on the lot and extending across the full width of the lot. If there is no rear lot line, there shall be deemed to be no rear yard.

(e) Required Yard means a yard with the minimum front yard depth, exterior side yard width, interior side yard width, or rear yard depth required by the provisions of this By-law.

3.199 Zone

Means a designated area of land use shown on Schedule "A" hereto, and includes any special zone used in this By-law.

3.200 Zone Requirements

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

3.201 Zoning Administrator

Means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning (Sections 6-11). Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

4.1 Accessory Buildings, Structures and Uses

4.1.1 Accessory uses, buildings or structures shall be permitted in all zones in accordance with the relevant provisions of this By-law and the following:

(a) In a Residential Zone or on a lot having an accessory dwelling use in another zone, the following provisions shall apply for buildings or structures which are accessory to the residential use:

- (i) No accessory use shall be erected closer to the front lot line or the exterior side lot line than the minimum front yard and exterior side yard setbacks required for the main building.
 - (ii) Accessory buildings or structures shall not be located closer than 1.0 m (3.4 ft.) to any interior side or rear lot line and shall not exceed 5.0 m (16.5 ft.) in height.
 - (iii) Accessory buildings or structures shall not occupy more than 10% of the total lot area. Such accessory buildings or structures shall be included as part of the total lot coverage calculation as established in the zone requirements.
 - (iv) Common semi-detached garages or carports may be centered on the mutual side lot line.
 - (v) Where a lot line abuts a lane, an accessory garage shall not be constructed closer than 0.6 m (1.9 ft.) to the said lane.
 - (vi) Accessory dwelling units shall conform to the setback requirements of the main building.
- (b) In all other zones, accessory buildings and structures shall conform to the requirements of the particular zone except for an accessory dwelling as set out in Section 4.1.1(a) above.
- (c) All accessory uses, buildings and structures to a permitted principle use shall be located on the same lot and in the same zone as the principle use.
- (d) Any building or structure which is attached to the main building will not be considered accessory for the purpose of this By-law.
- (e) The use of any accessory building for human habitation is not permitted except where a dwelling is specifically listed as a permitted use.
- (f) The use of an accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any residential zone.

4.1.2 Private swimming pools, both above-ground and in-ground both open and covered, shall be permitted subject to the following requirements:

(a) Open Pools

- i) An in-ground open pool area shall be totally enclosed by a non-climbable fence constructed of suitable materials, having a minimum height of 1.21 metres (4.0 ft.) with a gate which is locked when the pool is not in use.
- ii) The maximum height of an above-ground pool including a fence shall not be more than 3.0 m (10.0 ft.) above grade. An above ground pool

shall be enclosed by a fence which may be constructed as part of the pool structure such that the pool is inaccessible when not in use.

- iii) Any building or structure required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory uses and structures.
- iv) No part of an Open Pool including an associated apron or platform which is in a front or side yard shall be constructed closer to a street line than the requirements for a main building in the zone within which it is located nor closer to the lot line in a rear yard or interior side yard than the minimum distance required for an accessory use or structure.

(b) Covered Pools

Detached covered pools shall conform with the accessory building requirements contained in subsection 4.1.

4.2 Automotive Service Station, Gas Bar, Car Washing Establishment

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

(a) Gasoline Pump Island Location

The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump from any street line shall be 6.0 m (19.6 ft) from any lot line.

(b) Separation of Propane Tanks

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

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

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

- (e) Where a car washing establishment abuts a residential zone, the following requirements will apply:**

- i) **Despite any other requirements of this By-law for a lot abutting lands zoned for residential use, a car washing establishment shall not be permitted on any lot having a lot area of less than 3,000 square metres (32,292 ft.²) and shall be located on such lot no closer than 20.0 metres (65.6 ft.) to any lot line abutting such residential zone.**
- ii) **No washing or drying operations will be permitted except within the building designed for the purpose of the car washing establishment.**
- iii) **The building shall be so designed that vehicles will egress from the building after washing and drying operations by means of a door located in the wall of the building which is furthest removed from the lot line(s) which abut lands which are zoned for a residential use.**

4.3 Basement or Cellar

No basement or cellar or part thereof of any building shall be used as a dwelling unit except as might otherwise be permitted under the Building Code Act, 1990 and the Planning Act with respect to a second residential unit.

4.4 Buildings to be Moved

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

4.5 Change of Use

A use of lot, building or structure which, under the provisions hereof is not permissible within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permissible within such zone and shall require an occupancy permit under the Planning Act authorizing such change of use.

4.6 Cumulative Standards (Multiple Uses)

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the more restrictive or stringent standards will apply.

4.7 Day Nursery

A day nursery (licensed or private home) is a permitted use in any Residential or Commercial Zone.

4.8 Established Building Line in Built-up Area

Despite any other provision of this By-law, in any Residential Zone or in the General Commercial Zone, the front yard setback for the main building to be constructed between existing buildings or adjacent to existing buildings may be reduced or increased provided that the setback does not vary by more than 10% from the average setback of the adjacent buildings. This provision shall only apply where three or more adjacent lots have been built upon within a 150 m (492.1 ft.) strip on the side of the street of the building to be erected.

4.9 Frontage on a Public Street

- a) No building or structure shall be erected in any zone for any purpose other than a non-residential building or structure accessory to a permitted farm or conservation use unless the lot on which such building or structure is located has frontage on a public street. This provision shall not apply to a lot on a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or Land Titles Office and where the owner is in full compliance with the agreement.
- b) In addition to all the municipal requirements, all development adjacent to Provincial Highways is also subject to the requirements and permits of the Ministry of Transportation and/or the requirements of the United Counties of Prescott and Russell and more particularly that the setback from the centreline of County Road No. 3 north of the South Nation River shall be 30 m (100 ft.).

4.10 Garden Suites

- a) Subject to the passing of Site Specific Temporary Use By-law under Section 38 of the Planning Act, a Garden Suite shall be permitted as a separate dwelling unit in a residential zone where prescribed provided that the minimum lot area is 465 m² (5,005.3 ft²) in area, that the maximum height of the Garden Suite is 6 m (19.7 ft.), that the Garden Suite is located in a rear or interior side yard which meets the requirements set out for a rear yard, that the minimum setback from any adjacent lot line is 3.0 m (9.8 ft.) and provided that the maximum lot coverage does not exceed the requirements within the Zone.

4.11 Illumination

Illumination of buildings and grounds shall be permitted provided that:

- (a) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
- (b) Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.

- (c) Illumination shall not cause direct or indirect glare on land or buildings in a residential zone.

4.12 Land Suitability For Use

Despite any other provision of this By-law, no habitable building or structure shall be erected, altered or used on land which, by reason of its rocky, low lying, marshy, or unstable character is unsuitable for the provision of satisfactory water supply, sewage disposal or drainage facilities.

4.13 Landscaping and Screening Provisions

4.13.1 Planting Strip Location and Purpose

A planting strip shall be erected along all property lines separating any property in a Residential R1, R2, R3 or ER zone from any adjacent or abutting property in a commercial GC, HC or LC zone or a Mixed Use Industrial M zone or an Institutional I zone or any special exception Commercial, Industrial or Institutional zones so as to protect such residential uses from unreasonable disturbance by movement of people or vehicles, from lights, noise or exposure to views not compatible with these residential areas.

4.13.2 Contents and Maintenance of Planting Strip/Landscaping Area

- a) Where in this By-law a planting strip is required to be provided and maintained, such planting strip shall consist of a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 m (4.92 ft.) high and 1.0 m (3.2 ft.) in width at planting, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass or a combination thereof.
- b) Selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties, resistance to disease and insect attack, cleanliness and ease of maintenance. Planting materials shall be installed using acceptable horticultural practices and planting materials shall consist of healthy nursery stock.
- c) All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to ensure continued compliance with landscaping requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

4.13.3 Height of the Planting Strip

The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases where the ground elevation of the location at which the screen is to be planted is less

than the elevation of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall prevail.

4.13.4 Interruption of Planting Strip for Driveways or Pedestrian Walks

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m (9.8 ft.) of the edge of such driveway or within 1.5 m (4.92 ft.) of the edge of the walk.

4.13.5 Merchandise in Landscaped Areas

No commodity, merchandise, stock-in-trade or other article of trade or commerce shall be placed, maintained or suffered to remain at any place within the area so required to be landscaped or occupied by a planting strip.

4.13.6 Use of Fence Instead of Planting Strip

In required planting strip areas where a natural planting strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a planting strip provided its specifications are approved by the Chief Building Official.

4.13.7 Exclusions for Existing Situations

The provisions of Section 4.13 shall not apply to properties zoned as exceptions in this By-law except to maintain compliance with Section 4.13.2 (c) above or where further new development is proposed or constructed.

4.13.8 Site Plan Control

The provisions for landscaping and screening shall not be deemed to limit the Corporation's authority for site plan control.

4.14 Licenses, Permits and Other By-laws

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

4.15 Loading Requirements

For every building or structure hereafter erected for a commercial or industrial use, involving the frequent shipping, loading or unloading of persons, animals, wares, merchandise or other goods, there shall be provided and maintained loading facilities or spaces in accordance with the following requirements:

- (a) Each loading space shall have a minimum height (vertical) clearance of 4.5 metres (14.7 ft.) and shall be at least 3.0 metres (9.8 ft.) wide by 14.0 metres (45.9 ft.) long.
- (b) Except as may otherwise be set out in a site plan control agreement, loading spaces shall be located inside a building or structure, or on an open rear yard, or an interior side yard, on the same lot on which the main use is located, provided such a space shall be in an area whose distance from the lot line to the building or structure is not less than 9.0 metres (29.5 ft.) or 15.0 m (49.2 ft.) from the boundary of any Residential Zone and shall have unobstructed ingress and egress to and from a public street by means of a driveway, land or traffic aisle of a minimum width of 3.5 metres (11.5 ft.). Access to loading spaces shall not pass through a residential zone.
- (c) The number of required loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

Schedule of Required Loading Spaces

(i) **Commercial Uses:**

<i>Floor Area</i>	<i>Minimum Required Loading Spaces</i>
less than 200 m ² (2,153 ft. ²)	none
200 m ² (2,153 ft. ²) to 1,000 m ² (10,764.3 ft. ²)	1
over 1,000 m ² (10,764.3 ft. ²)	1 plus 1 additional space for each additional 1,000 m ² of floor area of part thereof

(ii) **Industrial Uses:**

<i>Floor Area</i>	<i>Minimum Required Loading Spaces</i>
less than 400 m ² (4,306 ft. ²)	none
400 m ² (4,306 ft. ²) to 2,000 m ² (21,529 ft. ²)	1
over 2,000 m ² (21,529 ft. ²)	1 plus 1 additional space for each additional 2,000 m ² of floor area of part thereof.

(iii) **Hospital uses, special care home or children's home**

1 per 100 beds

(iv) **Hotel**

1 per 100 guest rooms

- (v) School, university or college 1 per 500 students
 - (vi) Assembly hall 1 per 1,000 seats
 - (vii) Apartment dwelling 1 per building containing 30 or more dwelling units
- (d) The loading space requirements stated in (c) shall not apply to buildings or structures in existence as of the date of passing of this By-law but shall apply to areas of any expansion or enlargement to such buildings or structures for which building permits have been issued after the date of passing of this By-law.
- (e) Every loading space and access to a loading space shall have a hard surface consisting of concrete, asphalt or similar material.

4.16 Lots Divided Into More Than One Zone

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

4.17 Mobile Homes

A mobile home is not a permitted use in any zone.

4.18 Municipal Services/Utilities Required

- (a) Within the Village of Casselman, no person shall erect or use in whole or in part any building or structure unless municipal sewer and municipal water are available and the appropriate arrangements have been made with the Corporation for service connections. This shall be deemed to include appropriate arrangements for utilities.
- (b) In areas where only a municipal water service is available, no building or structure may be used unless satisfactory arrangement have been made for the connection of the building or structure to the municipal water service.
- (c) In all other areas of the municipality, no person shall use in whole or in part any building or structure requiring water or sewage, unless a Certificate of Approval from the Ministry of Environment and Energy or its agent has first been obtained.

4.19 Non-Conforming Uses

- (a) Continuance of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose. If a non-conforming building should be damaged by any cause beyond the owner's control, nothing in this By-law shall prevent such a building from being restored and strengthened to a safe condition, provided the height and bulk are not increased, provided that reconstruction or restoration is commenced within 12 months of the date on which the damage took place and provided the reconstruction is on the same foundation or location of the same foundation.

(b) Repair of Existing Buildings

Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any building or structure which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure.

(c) Less than Minimum Yard Requirements

Where a building or structure which is a permitted use in the zone has been erected prior to the date of passing of this By-law on a lot having less than the minimum front, side or rear yard required by this By-law, the building or structure may be enlarged, reconstructed, repaired or renovated provided that:

- i) the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard having less than the minimum required by this By-law except that buildings may be extended along an existing building line; and
- ii) all other applicable provisions of this By-law are complied with.

(d) Prior Building Permits

Nothing in this By-law shall prevent the erection or use of a building or structure for which a building permit has been issued prior to the date of passing of the By-law, provided the erection of such building is commenced within 2 years of the date of passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced or in compliance with the provisions as set out in the Building Code Act.

(e) Existing Undersized Lots

Where a lot having less than the minimum frontage or area required by this By-law, exists on the date of passing of the By-law or is increased in frontage or area but still does not meet the minimum frontage or area

requirements of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

f) Less than Required Floor Area

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

g) Change of Use

The use of any lot, building or structure which is not permitted in the zone in which it is located, shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the Planning Act.

(h) Road Widenings

Nothing in this By-law shall prevent the use of any land, building or structure or the erection of any building or structure on a lot which does not conform to the minimum lot frontage and/or lot area and/or front yard setback and in the case of a corner lot, the side yard setback, as a result of a road widening taken by the Corporation of the Village of Casselman, the United Counties of Prescott and Russell or the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

4.20 Parking and Storage of Vehicles

- (a) When any new development is constructed or when any existing development is enlarged, or use changed, provision shall be made for off-street vehicular parking spaces in accordance with the standards of this section.**
- (b) Where any alteration or enlargement of an existing building in any Commercial or Industrial Zone is no greater than 10% of the floor area of the building or structure existing on the effective date of this By-law, there shall be no additional parking spaces required. This clause shall not be deemed to permit multiple increments of 10% or less as a means to subvert the intent of this section of the By-law.**
- (c) Except as provided herein, no vehicles shall be parked or stored in a Residential Zone unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law.**
- (d) No parking space in a Residential Zone shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in**

operations incidental to the residential use of the lot on which it is parked or stored and bears a motor vehicle license plate and sticker which is currently valid.

- (e) Recreational vehicles shall be permitted in a Residential Zone. Recreational vehicles exceeding 9.1 m (30 ft.) are permitted provided the parking space is located in an internal side yard or rear yard.
- (f) A commercial vehicle such as a tractor only (e.g. excluding a transport trailer) shall be permitted in a residential zone provided the parking space is located in an internal side yard or rear yard.
- (g) Each standard parking space shall have a minimum width of 2.6 metres (8.5 ft.) and a minimum length of 5.5 metres (18.0 ft.) and each barrier-free parking space shall have a minimum width of 3.0 metres (9.8 ft.) and a minimum length of 6.0 metres (19.7 ft.).
- (h) The parking requirements for a single lot or a building containing a number of uses shall be the sum total of the parking requirements for each of the component uses, except in the case of a shopping centre for which the standards cited specifically for shopping centres shall apply.
- (i) The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs then parking spaces for the addition or area changed in use shall be provided.
- (j) Unless otherwise specifically provided elsewhere in this By-law, no driveway which provides ingress and egress to and from any lot or parking space shall pass through zones other than the one containing the permitted use except where an easement or right-of-way is registered on title.
- (k) Supplementary regulations for parking spaces for single detached, semi-detached, duplex and converted dwellings and townhouses are as follows:

Supplementary Regulations:

- i) The driveway and parking space shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones and similar potentially undesirable effects on adjoining properties;
 - ii) No more than fifty percent (50%) of the area of any required front yard shall be used or constructed as a driveway or parking space;
- (l) Access:

- (i) Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways at least 3.0 m (9.8 ft.), but not more than 9.0 m (29.5 ft.) in width.
- (ii) The manoeuvring aisles between parking spaces within a parking area shall have a minimum width of 6.0 m (19.7 ft.).
- (iii) The maximum width of any combined ingress and egress driveway or any abutting driveways along a common lot line, measured along the street line, shall be 9.0 m (29.5 ft.).
- (iv) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 7.5 m (24.6 ft.) for all dwelling types except a townhouse dwelling where the distance may be reduced to 3.0 m (9.8 ft.). This provision shall not be deemed to prevent the construction of an adjoining driveway serving two (2) separate dwellings.
- (v) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7.5 m (24.6 ft.).
- (vi) The minimum angle of intersection between a driveway and a street line shall be 60E.
- (m) Except where permitted elsewhere in this By-law, the required parking in a Residential Zone shall be provided on the same lot as the dwelling unit. In all other zones, parking shall be provided within 150 metres (492.1 ft.) of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.
- (n) The parking requirements as set out in Section 4.21 shall not apply within the General Commercial (GC) Zone for that area of the Municipality located between the South Nation River and St-Isidore Street.
- (o) Despite Section 4.21, if the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.
- (p) Access to parking areas for commercial or industrial uses shall not pass through a Residential Zone.

4.21 Schedule for parking requirements

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

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General business, retail store, grocery store, commercial and personal service establishment and shopping centre	1 space per 25m ² (269.1 ft. ²) of gross floor area: minimum 3 spaces
Hospital	3 spaces for every 5 patient beds
Manufacturing, industrial storage or wholesale, warehouse or industrial use	the greater of 5 per lot or 1 space per 100 m ⁵ (1,076.4 ft. ²) of gross floor area plus up to 2000 m ⁵ (21,528.5 ft.5); 1 space for every 2000 m ⁵ (21,528.5 ft.5) of gross floor area thereafter
Nursing home, convalescent home, home for the aged	1.5 spaces per 100 m ⁵ (1,076 ft.5) of gross floor area
Place of amusement	1 space for every 4 persons that can be accommodated
Recreational Establishment	the greater of 1 space for every 4 persons capacity or 1 per 8 m ⁵ (86.1 ft.5)
Restaurant, tavern, road house	1 space for every 4 seats of designated seating capacity and where no seats are provided, 1 space/8m ⁵ (86.1 ft.5)
School - elementary	1.5 spaces for each classroom
School - secondary/ commercial or private	6 spaces per classroom
Tourist Establishment	1 space per guest unit or suite, plus 1 space for each 20 m ⁵ (215.3ft.5) of floor area devoted to public use.
Any use not specified above	1 space for each 20m ² (215.3 ft. ²) of net floor area or 1 parking space per employee whichever is greater

4.22 Parking Area Driveway Standards

The following standards shall apply to parking areas.

<u>Angle of Parking</u>	<u>Minimum Driveway Width</u>
Less than 30	3.0 metres (9.8 ft)
30 to 45	3.3 metres (10.8 ft)
46 to 60	3.9 metres (12.9 ft)
61 to 74	5.5 metres (18.0 ft)
75 to 90	7.3 metres (24.0 ft)

4.23 Parts of Buildings or Structures Permitted Above Height Level

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

- ! Air conditioning system
- ! Chimney
- ! Church spire or belfry
- ! Clock Tower
- ! Elevator or stairway enclosure
- ! Enclosed mechanical and electrical equipment
- ! Farm buildings and structures such as a barn, silo or windmill
- ! Flag pole
- ! Hydro electric transmission tower
- ! Ornamental dome or clock tower
- ! Receiving and transmitting antenna or telecommunications tower
- ! Receiving stations
- ! Satellite dish/receiver
- ! Skylight
- ! Solar panels
- ! Ventilating fan or skylight or ventilator
- ! Water tower or reservoir

4.24 Permitted Projections

The minimum permitted projections for buildings are set out as follows:

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.6 metres (1.96 ft.) into any required front, rear or side yard
Canopies which are at least 2.13 metres (7 ft.) in vertical clearance above the established grade, with or without supporting posts	2 metres (6.5 ft.) into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (1/2) the setback of the building from the street line
Window awnings	1.2 metres (3.9 ft.) into any required yard
Steps, ramps for use by handicapped, and walkways	No maximum into any required yard
Unenclosed porch, uncovered platform landing, patio or sun deck, balconies or steps	Maximum of 1.5 metres (4.9 ft.) into any side yard and 3.0 metres (9.8 ft.) into any required front or rear yard
Accessory building	As permitted by and as specified in this By-law

4.25 Prohibited Uses

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

- (a) The keeping or raising of any horse, bull, ox, sheep, goat, pig or other cattle, or any poultry, or any reptile, or any wild animal including any tamed or domesticated wild animal, in any residential zone or in any building or structure in any zone unless otherwise stated.
- (b) No use shall be permitted within the Village which from its nature or the materials used therein is, under the Public Health Act, or regulation thereunder, declared to be a noxious trade, business or manufacture.
- (c) Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.
- (d) The making or establishment of a pit or quarry is prohibited.

4.26 Railway Crossing

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected within the sight triangle established by measuring from the point of intersection of the centreline of the road and the railway right-of-way, 45 m (147.6 ft.) along the centreline of the road and 215 m (705.4 ft.) along the centreline of the railway right-of-way.

4.27 Sight Triangle

4.27.1 Within any area defined as a sight triangle, the following uses shall be prohibited:

- (a) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- (b) a fence, tree, hedge, bush or other vegetation the top of which exceeds 1.0 m (3.28 ft.) in height above the elevation of the street.
- (c) any portion of a delivery space, loading space, driveway or parking space;
- (d) a berm or other ground surface which exceeds the elevation of the street by more than 0.5 m (1.64 ft.);
- (e) a sign, other than a pole sign, the body of which is not less than 4.0 m (13.1 ft.) above the elevation of the centreline of the street.

4.27.2 For the purposes of this By-law, the following sight distances shall apply:

- (a) fifteen (15) metres (49.2 ft.) in all commercial and industrial zones;
- (b) six (6) metres (19.7 ft.) in all other zones;

4.28 Signs

Unless otherwise stated in this By-law, signs shall be permitted only in accordance with the Signs By-law(s) of the Corporation.

4.29 Streets and Parks

In any zone established by this By-law, public streets, walkways, bike paths and parks or outdoor public recreational facilities are permitted.

4.30 Temporary Buildings or Structures During Construction

Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is in the opinion of the Corporation no longer required.

In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:

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

4.31 Through Lots

Where a lot is a through lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the street.

4.32 Truck, Bus and Coach Bodies

No truck, bus, coach or street car body, or structure of any kind other than a dwelling unit erected and used in accordance with this and all other by-laws of the Corporation shall be used for human habitation within the Village of Casselman whether or not the same is mounted on wheels.

4.33 Use by Public Authority or Public Utility

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any utility installation for the purpose of public service by the Village of Casselman, the United Counties of Prescott and Russell and/or any public authority, any department of the Government of Ontario or Canada, including any Ontario Hydro facilities pursuant to the Planning Act, provided that where such land, building or structure is located in a Residential Zone or on a lot adjacent to a Residential Zone:

- (a) no goods, materials or equipment shall be stored in the open in any Residential Zone;

- (b) the lot coverage and setback regulations of the zone in which such land, building or above ground structure is located shall be complied with except electric power facilities or utilities (ie. gas, cable, telephone poles, towers, lines and similar elements);
- (c) any building or structure erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings;
- (d) parking and loading requirements as contained in this By-law shall be complied with.

4.34 Yard Requirements when Waterways are Involved

Where in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or water course, or to the top of the said cliff or embankment if such area is closer than the lot line, such measurement taken at 90° to the lot line or regulating feature.

Where any lot is adjacent to a waterway, any building or structure to be erected thereon shall be set back a minimum for 30 m (98.4 ft.) from the high water mark as described above. This provision shall not apply to marine facilities, to transmission facilities for gas, telephone, cable or hydro or to flood control structures.

4.35 Zoning for Housing Intensification

An existing single detached dwelling may be converted to increase the supply of housing accommodation provided the following provisions are met:

- (a) the minimum gross floor area shall be 232m² (2,500 ft.²);
- (b) the provisions of Section 4.18 (a) - Municipal Services/Utilities Required shall be met particularly with respect to there being adequate municipal sewer and water capacity being available;
- (c) the maximum number of occupants shall be 10 persons excluding operating staff;
- (d) the provisions of Section 1.11 of this By-law shall be met with respect to any required provincial and/or federal permits, licenses or approvals;
- (e) the requirements of the Ontario Building Code shall be met;
- (f) the provisions of Section 4.21 for parking shall be met.

Despite the provisions of this section, for the property described as part of Lots 11 and 12, Con. 6, RP-50R3168, Part 1 (civic address: 10 chemin Rivière Nation Nord), having a lot area of 0.8 ha (2 acres) more or less and a gross floor area of 554.5 m²

(5,968.75 ft.5), the maximum number of occupants permitted shall be 20 persons excluding operating staff, and provided there is no reduction to the existing lot area or gross floor area.

Section 5 ZONES

5.1 ZONE CLASSIFICATION

For the purposes of this By-law, the Village of Casselman is divided into the following zones as named and described in the following Sections, the boundaries of which are shown on the attached Schedules which are attached to and form part of this By-law. These zones may be referred to by the name or the symbol set opposite the name of the zone below:

5.1.1 Residential Zones

Zone Symbol

First Density Residential	R1
Second Density Residential	R2
Medium Density Residential	R3
Estate Residential	ER

5.1.2 Commercial Zones

General Commercial	GC
Highway Commercial	HC
Highway Commercial Restricted	HCR
Highway Commercial Special	HCS
Local Commercial	LC

5.1.3 Industrial Zone

Mixed Use Industrial	M
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5.1.4 Institutional Zone I

5.1.5 Environment and Open Space Zones

Environmental Protection	EP
Parks and Open Space	OS

5.1.6 Special Zones

Future Development	D
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5.1.7 Zone Symbols

The zone symbols listed in Section 5(1) hereof may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word "zone" is used or preceded by any of the said zone symbols, such reference shall mean any portion of the Zoned Area delineated on Schedule "A" and designated thereon by the said zone symbol.

5.1.8 Interpretation of Zone Boundaries

The extent and boundaries of all zones and special zones are shown on Schedule "A" or on any schedule which amends Schedule "A", the following provisions shall apply.

1. **CORPORATION BOUNDARIES:**
All boundaries of the Corporation shall be zone boundaries.
2. **LOT LINES OR CONCESSION LINES:**
A zone boundary indicated as approximately following a lot line or concession line shall be deemed to follow such lot line or concession line.
3. **STREET LINES:**
A zone boundary indicated as following the centre of a highway street or lane shall be deemed to be the centre line of such highway street or lane, whether the highway, street or lane is opened or not.
4. **RIGHTS-OF-WAY:**
A zone boundary indicated as approximately following a right-of-way for a private road, railroad, power line, pipeline, etc., shall be deemed to follow such right-of-way.
5. **SHORELINE:**
A zone boundary indicated as approximately following a shoreline of a waterbody shall be deemed to be the present controlled high water mark of such waterbody.
6. **SUBDIVISION LOT LINES:**
A zone boundary indicated as approximately following a lot line on a plan of subdivision shall be deemed to follow such lot line.
7. **OTHER PROPERTY LINES:**
A zone boundary indicated as approximately following any other property line shall be deemed to follow such property line.
8. **DIMENSIONS AND MEASUREMENTS:**
If the location of a zone boundary cannot be determined using any of the preceding methods, its location shall be according to the dimensions shown on the schedule. If such dimensions are not shown, its location shall be as measured on the schedule at the original size and scale of such schedule.

5.1.9 Interpretation - General

1. **PERMITTED USES AND ZONE REQUIREMENTS**
For each zone listed in Section 5(1) hereof, there shall be a section of this By-law which sets out the permitted uses and the zone requirements.
2. **SPECIAL ZONES**
Where a zone symbol designating certain lands as shown on Schedule "A" is followed by a dash and a number (for example, "GC-1") this denotes a special zone. The permitted uses and zone requirements for lands designated a special zone shall be according to the zone represented by the zone symbol except as otherwise provided by the special provisions of the special zone. All other applicable provisions including

the General Provisions and Definitions shall apply and shall be used in determining compliance with the Zoning By-law.

Section 6 RESIDENTIAL ZONE STANDARDS

6.1 FIRST DENSITY RESIDENTIAL (R1) ZONE

No person shall use any land or erect, alter or use any building or structure in the First Density Residential (R1) Zone except in accordance with the following provisions.

6.1.1 Permitted Uses

Main Building	Accessory Uses
! Single Detached Dwelling	! Bed and Breakfast Establishment
	! Garden Suite
	! Home Occupation or Home Based Business
	! Accessory uses, buildings or structures
! Group Home	Accessory uses, buildings or structures except an accessory dwelling unit or home occupation

A garden suite is a permitted use only where a Temporary Use By-law has been enacted.

6.1.2 Zone Requirements

Minimum Lot Area

- Municipal Water and Sewer450 m² (4,844 ft²)
- Municipal Water only675 m² (7,266 ft²)
- Private Water and Sewage Disposal2,000 m² (21,527.8 ft²)

Minimum Lot Frontage

- Municipal Water and Sewer15 m (49.2 ft)
- Municipal Water only22 m (72.2 ft)
- Private Water and Sewage Disposal30 m (98.4 ft)

Minimum Yard Requirements

- Front Yard6.0 m (19.7 ft)
- Rear Yard7.5 m (24.6 ft)
- Interior Side Yard1.2 m (3.9 ft)
- Exterior Side Yard6.0 m (19.7 ft)

Maximum Building Height

- Main Building10 m (32.8 ft)
- Accessory Building5 m (16.4 ft)

Minimum Building Separation1.0 m (3.3 ft)

Maximum Lot Coverage	
- Municipal Water and Sewer	45%
- Municipal Water only	35%
- Private Water and Sewage Disposal	20%

Maximum No. Dwellings Per Lot
(excluding Garden Suite) 1

Minimum Net Floor Area - Garden Suite.....50 m² (538.2 ft²)

Minimum Setback from rear or interior
side lot line for Garden Suite.....3 m (9.8 ft)

6.1.3 Zone Exceptions

1. R1-1, Part of Lot 11, Concession 4 (By-law 84-136)

Within the R1-1 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area.....1,350 m² (14,532 ft²)

2. R1-2 (By-law 90-476)

Within the R1-2 Zone, the following exceptions to this By-law shall apply:

- Minimum Gross Floor Area of a Dwelling Unit.....100 m² (1,076.4 ft²)

3. R1-3

Within the R1-3 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage.....13.8 m (45.3 ft)

4. R1-4

Within the R1-4 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage of retained lot16.6 m (54.4 ft)

- Minimum Lot Frontage of severed lot21 m (68.8 ft)

5. R1-5, Nation North Road (By-law 84-121)

Within the R1-5 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage.....9.0 m (29.5 ft.)

6.2 SECOND DENSITY RESIDENTIAL (R2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Second Density Residential (R2) Zone except in accordance with the following provisions.

6.2.1 Permitted Uses

VILLAGE OF CASSELMAN
Comprehensive Zoning By-law

Main Building

Accessory Uses

- ! Single Detached Dwelling
- ! Converted Dwelling
- ! Duplex Dwelling
- ! Semi-Detached Dwelling

- ! Bed and Breakfast Establishment
- ! Garden Suite
- ! Home Occupation or Home Based Business
- ! Accessory uses, buildings or structures

- ! Group Home

Accessory uses, buildings or structures except an accessory dwelling unit or home occupation

A garden suite is a permitted use only where a Temporary Use By-law has been enacted.

6.2.2 Zone Requirements

	Single Detached Dwelling	Semi Detached Dwelling	Duplex/ Converted Dwelling
Minimum Lot Area per Dwelling			
- Municipal Water and Sewer	450 m ⁵ (4,844 ft ⁵)	720 m ⁵ (7,750 ft ⁵)	515 m ⁵ (5,543.6 ft ⁵)
- Municipal Water only	675 m ⁵ (7,266 ft ⁵)	4,000 m ⁵ (.98 ac)	4,000 m ⁵ (.98 ac)
- Private Water and Sewage Disposal	2,000 m ⁵ (21,527.8 ft ⁵)	4,000 m ⁵ (.98 ac)	4,000 m ⁵ (.98 ac)
Minimum Lot Frontage			
- Municipal Water and Sewer	15 m (49.2 ft)	15 m (49.2 ft)	15 m (49.2 ft)
- Municipal Water only	22 m (72.2 ft)	22 m (72.2 ft)	22 m (72.2 ft)
- Private Water and Sewage Disposal	30 m (98.4 ft)	30 m (98.4 ft)	30 m (98.4 ft)
Minimum Yard Requirements			
- Front Yard	6.0 m (19.7 ft)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
- Rear Yard	7.5 m (24.6 ft)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
- Interior Side Yard	1.2 m (3.9 ft)	1.2 m (3.9 ft)	1.2 m (3.9 ft)
- Exterior Side Yard	6.0 m (19.7 ft)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
Maximum Building Height			
- Main Building	10 m (32.8 ft)	10 m (32.8 ft)	10 m (32.8 ft)
- Accessory Building	5 m (16.4 ft)	5 m (16.4 ft)	5 m (16.4 ft)
Minimum Building Separation	1.0 m (3.3 ft)	1.0 m (3.3 ft)	1.0 m (3.3 ft)
Maximum Lot Coverage			
- Municipal Water and Sewer	45%	45%	45%
- Municipal Water only	35%	35%	35%
- Private Water and Sewage Disposal	20%	20%	20%
Maximum No. of Dwelling Units per Lot (excluding a Garden Suite)	1	2	2

VILLAGE OF CASSELMAN
Comprehensive Zoning By-law

Minimum Net Floor Area ¹ - Garden Suite	50 m ² (538.2 ft ²)	50 m ² (538.2 ft ²)	50 m ² (538.2 ft ²)
Minimum Setback from Rear or Interior Side Lot Line for Garden Suite ¹	3 m (9.8 ft)	3 m (9.8 ft)	3 m (9.8 ft)

1. See also Section 4.10

6.2.3 Additional Provisions

- a) The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling.
- b) The zone requirements for a group home shall be those applicable to the particular dwelling type in which the group home is located ie. semi-detached, duplex or converted dwelling.
- c) A group home is permitted in two-unit dwellings provided that the total combined number of residents for the dwelling units does not exceed 10.

6.2.4 Zone Exceptions

- 1. R2-1, Dollard Street (By-law 80-42)

Within the R2-1 Zone, the following exceptions to this By-law shall apply:

- Minimum Front Yard5.1 m (16.7 ft)
- Minimum Rear Yard.....6.2 m (20.3 ft)

- 2. Reserved

- 3. R2-3, St-Isidore Street West, Parts 1 & 3, Plan 50R-5773 (By-law 89-285)

Within the R2-3 Zone, the following exceptions to this By-law shall apply:

- Permitted uses:
 - Single detached dwelling
 - Semi-detached dwelling

- 4. R2-4, Percy Street (By-law 94-586)

Within the R2-4 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area.....585 m² (6,297.1 ft²)

- 5. R2-5, Montcalm Street

Within the R2-5 Zone, the following exceptions to this By-law shall apply:

A third dwelling unit shall be permitted in the dwelling provided no alteration is made to the exterior size or bulk of the building.

- 6. R2-6, Laval Street

Within the R2-6 Zone, the following exceptions to this By-law shall apply:

A third dwelling unit shall be permitted in the dwelling provided no alteration is made to the exterior size or bulk of the building.

7. R2-7, Cartier Street

Within the R2-7 Zone, the following exceptions to this By-law shall apply:

A third dwelling unit shall be permitted in the dwelling provided no alteration is made to the exterior size or bulk of the building.

6.3 MEDIUM DENSITY RESIDENTIAL (R3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Medium Density Residential (R3) Zone except in accordance with the following provisions.

6.3.1 Permitted Uses

- ! Apartment Dwelling
- ! Boarding or Lodging House
- ! Group Home
- ! Townhouse Dwelling
- ! Triplex Dwelling
- ! Accessory Uses to the foregoing except a home occupation or garden suite

6.3.2 Zone Requirements

Minimum Lot Area

Municipal Water and Sewer

- Apartment Dwelling.....700 m² (7,535 ft²) plus 105 m² (1,130 ft²)
..... per Dwelling Unit over 6 units
- Boarding/Lodging House515 m² (5,544 ft²)
- Townhouse Dwelling.....800 m² (8,611 ft²) plus 200 m² (2,153 ft²)
..... per Dwelling Unit over 4 units
- Triplex Dwelling700 m² (7,535 ft²)

Minimum Lot Frontage

- Apartment Dwelling.....30 m (98.4 ft)
- Boarding/Lodging House15 m (49.2 ft)
- Townhouse Dwelling..... 6 m (19.7 ft) per Dwelling Unit
- Triplex Dwelling23 m (75.4 ft)

Minimum Yard Requirements

- Front Yard.....6.0 m (19.7 ft)
- Rear Yard7.5 m (24.6 ft)
- Interior Side Yard
 - Apartment Dwelling.....3.0 m (9.8 ft)
 - All other residential uses.....1.8 m (5.9 ft)
- Exterior Side Yard.....6.0 m (19.7 ft)

Maximum Building Height

- Main Building - All dwelling types except apartments 15 m (49.2 ft)
- Apartment Dwellings 6 storeys
- Accessory Building 5 m (16.4)

Minimum Building Separation 2 m (6.6 ft)

Minimum Net Floor Area
per Dwelling Unit

- Bachelor Suite 37 m² (398.3 ft²)
- One Bedroom 55 m² (592 ft²)
- Two Bedroom 63 m² (678 ft²)
- Three Bedroom 84 m² (904.2 ft²)

Maximum Lot Coverage 40%

Maximum Density

- Apartment Dwellings 75 units/net ha
- Townhouses 40 units/net ha

6.3.3 Additional Provisions

- a) The minimum interior side yard shall not apply to the party wall of a townhouse dwelling.
- b) The maximum number of residents in a group home in the R3 Zone shall be five (5) per dwelling unit.
- c) The zone requirements for a group home shall be those applicable to the particular dwelling type in which the group home is located.
- d) The minimum separation distance between any window in a dwelling and any parking space shall be 3 m (9.8 ft).
- e) For any townhouse dwelling, a fenced privacy area shall be provided for each dwelling unit having a minimum area of 37 m² (398.3 ft²).

6.3.4 Zone Exceptions

1. R3-1, St-Jean Street (By-law 80-42)

Within the R3-1 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area4,010 m⁵ (43,165 ft⁵)
- Minimum Lot Frontage18 m (59.1 ft)
- Minimum Rear Yard with end wall containing habitable room window6 m (19.7 ft)
- Minimum Rear Yard with end wall containing no habitable room window1.8 m (5.9 ft)
- Maximum number of Dwelling Units..... 26

2. R3-2, Montcalm Street (By-law 80-42)

Within the R3-2 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area1,393 m⁵ (14,995 ft⁵)
- Minimum Lot Frontage30.4 m (99.7 ft)
- Minimum Interior Side Yard3.9 m (12.8 ft)
- Minimum Landscaping Area20%

3. R3-3 Zone, Special Residential Facility (By-law 82-83)

Within the R3-3 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area690 m⁵ (7,427 ft⁵)
- Minimum Lot Frontage15 m (49.2 ft)
- Minimum Front Yard15 m (49.2 ft)
- Minimum Exterior Side Yard0.6 m (1.96 ft)
- Minimum Rear Yard3.2 m (10.5 ft)
- Maximum Building Height 2 storeys
- Maximum Lot Coverage55%

4. R3-4 Zone, Brébeuf Street (By-law 83-119)

Within the R3-4 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage9.1 m (29.9 ft)

5. R3-5 Zone, Part of Lots 10 and 11, Ste-Thérèse St. (By-law 86-201)

Within the R3-5 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage12.6 m (41.3 ft)

- Minimum Interior Side Yard
 - a) east side4.2 m (13.8 ft)
 - b) south side 13 m (42.6 ft)
- Maximum number main buildings per lot 1
- A 1 m (3.3 ft) wide planting strip shall be required along the south interior side lot line.
- No parking space shall be located closer than 2.5 m (8.2 ft) to any street line.

6. R3-6 Zone, Part of Lot 12, St-Joseph Street (By-law 86-211)

Within the R3-6 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area696.75 m² (7,500 ft²)
- Minimum Lot Frontage 15 m (49.2 ft)
- Minimum Front Yard4.5 (14.8 ft)
- Minimum Interior Side Yard
 - a) Main Building - one side3.6 m (11.8 ft)
 - other side2.4 m (7.9 ft)
 - b) Accessory Building 1.8 m (5.9 ft)
- Minimum Net Floor Area per dwelling unit37 m² (398.3 ft²)
- Maximum number of dwelling units4 bachelor suites or 1 bedroom units
- A 0.3 m (0.98 ft) wide planting strip shall be located adjacent to and along the interior and rear lot lines within the rear yard.
- Parking spaces shall only be permitted in the rear yard.

7. R3-7 Zone, 119 Laurier Street (By-law 86-218)

Within the R3-7 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area600 m² (6,459 ft²)
- Minimum Lot Frontage13.75 m (45.1 ft)
- Minimum Interior Side Yard
 - a) east side1.75 m (5.74 ft)
 - b) west side0.18 m (0.59 ft)
- Minimum Rear Yard 1.5 m (4.92 ft)
- A planting strip having a minimum 0.6 m (1.97 ft) shall be provided adjacent to and along the portion of the interior lot lines that parallels the parking area, and shall be used for no purpose other than a wooden fence or a continuous unpierced hedgerow of not less than 1.5 m (4.9 ft) high, together with a protective concrete curb located within the planting strip or within the parking area as required to prevent vehicles from contacting the fence or hedgerow.

8. R3-8 Zone, Part 1, Plan 50R-3837, Rue Principale Street (By-law 86-216)

Within the R3-8 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area645 m² (6,943 ft²)
- Minimum Lot Frontage11 m (36.1 ft)
- Minimum Interior Side Yard1.8 m (5.9 ft)
- Minimum Driveway Access Width at streetline only.....2.69 m (8.8 ft)

- A planting strip having a minimum width of 0.5 m (1.6 ft) shall be provided adjacent to and along the portion of the interior and rear lot lines that parallels the parking area, and shall be used for no purpose other than a wooden fence or a continuous unpierced hedgerow of not less than 1.5 m (4.92 ft) high, together with a protective concrete curb located within the planting strip or within the parking area as required to prevent vehicles from contacting the fence or hedgerow.

The remainder of the planting strip shall be used for no purpose other than appropriate vegetation plantings and landscaping materials such as vines and beachstones.

9. R3-9 Zone, Lot 2, H.O. Wood Plan 1885, Part 1 - Plan 50R-3837 and Part 1 - Plan 50R-2193 (By-law 91-496)

Within the R3-9 Zone, the following exceptions to this By-law shall apply:

Permitted uses on the first storey shall include:

- small scale retail stores,
- office uses,
- convenience commercial,
- personal service shops.

The total commercial floor area shall not exceed the total residential floor area of the building.

- Minimum Rear yard Depth3.0 m (9.8 ft)
- Minimum Lot Frontage11.0 m (36.1 ft)
- Minimum Planting Strip Width0.5 m (1.64 ft)

10. R3-10 Zone, Lot 9, H.O. Wood Plan 1885, Part 2 & 4 - Plan 50R-2872 (By-law 91-499)

Within the R3-10 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

- single detached dwelling
- Minimum Lot Area3,520 m² (11,548.5 ft)
- Minimum Lot Frontage28 m (91.8 ft)
- Minimum Interior Side Yard3.9 m (12.8 ft)

11. R3-11 Zone, Parts 1 and 2, Plan 50R-4688 (By-law 92-525)

Within the R3-11 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

- existing uses
- apartment dwelling
- Minimum Lot Frontage31.5 m (103.3 ft)
- Minimum Interior Side Yard2.0 m (6.6 ft)
- Minimum Rear Yard7.5 m (24.6 ft)
- Maximum number of dwellings per lot..... 2
- Maximum number of dwelling units per lot..... 6

12. R3-12 Zone, Lots 68, 69 and 71 - Plan 50M-212, Part 2 - Plan 50R 6693 and Part of Lot 11, Concession 6 (By-law 93-552)

Within the R3-12 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Area103 m² (1,108.7 ft)
- Minimum Lot Frontage4.25 m (13.9 ft)
- Minimum Rear Yard Depth.....7.5 m (24.6 ft) for no more than 20 lots
- Maximum number of dwelling units..... 49
- Minimum parking space width.....2.5 m (8.2 ft)
- Minimum number of visitor parking spaces..... 8

Additional Provisions:

- A landscaped park/tot lot with a minimum area of 0.06 ha (0.15 ac) shall be provided.
- A pedestrian walkway between Rue Montcalm Street and the proposed cul-de-sac shall be provided.

13. R3-13 Zone, Principale Street (By-law 94-585)

Within the R3-13 Zone, the following exceptions to this By-law shall apply:

- Minimum Interior Side Yard9.0 m (29.5 ft)
- Minimum Rear Yard6.0 m (19.7 ft)

14. R3-14 Zone, Principale Street (By-law 83-114,
By-law 84-129,
By-law 86-220)

Within the R3-14 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

- Townhouse dwelling
- Apartment dwelling with or without ground floor commercial uses
- Home for the physically challenged
- Day nursery

- Minimum Lot Area130 m² (1,399 ft²) per dwelling unit
- Townhouse Dwelling0.2 ha (0.49 ac)
 - Apartment Dwelling0.2 ha (0.49 ac)
 - Home for the physically challenged450 m² (4,844 ft²)

Minimum Lot Frontage

- Townhouse Dwelling5.49 m/dwelling unit (18.0 ft.)
- Other Uses30 m (98.4 ft)

Building Separation3 m (9.84 ft)

Minimum Dwelling Unit Area

- Townhouse Dwelling63 m²(678.1 ft²)

Minimum No. of Parking Spaces

- Day Nursery2 spaces
- Home for the physically challenged 1 space

Maximum density shall not exceed 51 units per hectare (20.6 per ac), a total of 47 units where the apartment building contains 3.4 units and ground floor commercial space, or 53 units per hectare (21.4 per ac), a total of 49 units, where said apartment contains 36 units and no commercial space.

Additional Provisions:

- Despite the zone provisions for a Townhouse, the lawful severance of a lot pursuant to the Planning Act, R.S.O 1990, as amended, or the registration of more than one declaration and description pursuant to the Condominium Act, R.S.O. 1990, as amended, upon which is erected any building or buildings shall be deemed to conform with the provisions of this By-law, and the building or buildings shall be deemed to be erected on one lot for the purposes of construing and administering this By-law.
- Any townhouses constructed on Part 2 of Plan 50R-4901 may front on to, and the driveways of individual townhouse units may have access to the private right-of-way

or driveway to be provided over Part 3, Plan 50R-4901 to provide access to the apartment building being constructed on Part of Parts 1, 2, 3, and 4, Plan 50R-2477, in which case the lot line abutting Part 3 shall be deemed to be the front lot line.

- An apartment building may include a maximum of 200 m² (2,152.9 ft²) of ground floor commercial space.

15. R3-15, Part of Lot 16, H.O. Wood 1885

By-law 85-188

Within the R3-15 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

Apartment Dwelling

- Minimum Lot Frontage15 m (49.2 ft)
- Minimum Front Yard3.5 m (14.5 ft)
- Minimum Interior Yard.....0.4 m (1.3 ft) -north side
- Minimum Interior Yard..... 5 m(16.4 ft) -south side

- Minimum number of parking spaces 1 space per dwelling unit

16. R3-16, 187, St-Jean Street

(By-law 86-193)

Within the R3-16 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

- Minimum Lot Area696.47 m² (7,4975 ft²)
- Minimum Lot Frontage22.85 m (75 ft)
- Minimum Front Yard3.5 m (11.5 ft)
- Minimum Rear Yard8 m (26.2 ft)
- Minimum Interior Side Yard7 m (23 ft)
- Minimum Exterior Side Yard1.8 m (5.9 ft)
- Minimum Dwelling Unit Area45 m² (484.4 ft²)
- Minimum Planting Strip Width0.45 m (1.5 ft)

Additional Provisions:

- Landscape Areas

For the purposes of this By-law, a Landscaping Area shall mean that defined in Section 3.110 hereof except that where adjacent to a parking area, it shall include a concrete curb(s), defining the boundary between the two areas.

- Planting Strip Location

A planting strip shall be located adjacent to and along the interior and rear lot lines but not extending closer to the street line than the setback of the main building on the site and shall be used for no other purpose than a wooden fence not less than 1.5 m (4.92 ft) high, together with a protective concrete curb parallel to the fence where the said planting strip abuts a parking area or laneway on the same or adjacent property, except in the case of parking at right angles to the fence, in which case the curb shall be placed on the parking space.

The remainder of the planting strip shall be used for no other purpose than appropriate vegetation plantings and landscaping materials, such as vines and beachstones.

- Parking Space Location

No parking space shall be located closer than 0.4 m (0.24 ft) to any street line.

- Parking Space Size

Shall be in accordance with the General Provisions of Section 4(20)(g) except where the parking requirements of the permitted uses exceeds 6 parking spaces, in which case two parking spaces may be of a reduced size of a least 4.75 m (15.6 ft) long and 2.7 m (8.9 ft) wide, and have a vertical clearance of 20 m (66 ft).

17. R3-17, Part of Lots 5 and 7, H.O. Wood, 1885 St-Jean Street

(By-law 86-198)

Within the R3-17 Zone, the following exceptions to this By-law shall apply:

Permitted uses shall include:

A dwelling containing 2 or more separate dwelling units shall be included as an additional permitted residential use, with the total number of dwelling units not to exceed three (3) for Lot 5 and four (4) for Lot 7.

- Minimum Lot Area464.5 m² (5,000 ft²)
- Minimum Lot Frontage 15 m (49.2 ft)
- Minimum Front Yard3.7 m (12.1 ft)
- Minimum Interior Yard:
 - Lot 5 1.2 m (3.9 ft) - north side
 - Lot 5 2.2 m (7.2 ft) - south side
 - Lot 7 1.4 m (4.5 ft) - north side
 - Lot 7 1.2 m (3.9 ft) - south side

Additional Provisions:

- Planting Strip Location

A planting strip shall be located adjacent to and along the interior and rear lot lines and shall be used for no purpose other than a continuous unpierced hedgerow of evergreens or shrubs or a wooden fence not less than 1.5 m (4.92 ft) high, together with a protective concrete curb where the said planting strip abuts a parking area on the subject property, except in such locations where vehicles may come into contact with the said hedgerow or fence, in which case protective curbs shall be placed on the parking area where required to prevent such contact.

The remainder of the planting strip shall be used for no other purpose than appropriate vegetation plantings and landscaping materials, such as vines, beachstones and grass.

The Minimum Planting Strip Width may be 1.5 m (4.92 ft) except where one turning area is provided as part of the parking area in which case the planting strip width may be a minimum of 0.5 m (1.6 ft) over a maximum length of 6.0 m (19.7 ft).

18. R3-18, 171-173 Principale Street

(By-law 86-200)

Within the R3-18 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

A dwelling containing 2 or more separate dwelling units shall be included as an additional residential use, with the total number of units not to exceed 5.

- Minimum Lot Frontage 15 m (49.2 ft)
- Minimum Front Yard 1.4 m (4.6 ft)
- Minimum Interior Side Yard 1.7 m (5.6 ft) - north side
- Minimum Interior Side Yard 3.25 m (10.7 ft) - south side

- Maximum number of main buildings per lot 1 only

Additional Provisions:

- Planting Strip Location

In accordance with Section 4.13, except that where an interior lot line abuts a laneway, no planting strip shall be required, and the planting strip located adjacent to and along the interior lot line shall be used for no purpose other than a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 m (4.92 ft) high, together with protective concrete curbs where the said planting strip abuts a parking area, except where vehicles are parked at right angles to the strip, in which case the curbs shall be placed on the parking area.

The remainder of the planting strip shall be used for no other purpose than appropriate vegetation plantings and landscaping materials, such as vines, beachstones and grass.

19. R3-19, 44 Montcalm Street (By-law 87-246)

Within the R3-19 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

A dwelling with a maximum of 3 dwelling units

- Minimum Lot Area450 m² (4,844 ft²)
- Minimum Interior Side Yard2.8 m (9.2 ft)
- Minimum Exterior Side Yard3.5 m (11.5 ft)

20. R3-20, Lot 15, H.O. Wood 1885, 749 Rue Principale Street (By-law 92-528)

Within the R3-20 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

Up to 3 dwelling units per lot, 2 of which shall be located on the second storey and one on the first storey.

- Minimum dwelling unit area37 m² (398.3 ft²)

21. R3-21

Within the R3-21 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

A convenience store and/or a dwelling with a maximum of three dwelling units.

22. R3-22, Lots 2,3 and 4, Lendrum Plan "1890", 666-662 St. Joseph Street

Within the R3-22 Zone, the following exceptions shall apply:

Maximum building height, all buildings - two storeys.

- For Lot 4 only - Minimum Lot Area: 696.75 m² (7,700 ft.²)
- Minimum Lot Frontage: 15 m (49.2 ft)

All of the provisions of this by-law shall continue to apply

6.4 ESTATE RESIDENTIAL (ER) ZONE

No person shall use any land or erect, alter or use any building or structure in the Estate Residential (ER) Zone except in accordance with the following provisions.

6.4.1 Permitted Uses

Main Building	Accessory Uses
! Single Detached Dwelling	! Garden Suite
	! Home Occupation of Home Based Business
	! Accessory uses, buildings or structures
! Group Home	Accessory uses, buildings or structures except an accessory dwelling unit or home occupation

A garden suite is a permitted use only where a Temporary Use By-law has been enacted.

6.4.2 Zone Requirements

Minimum Lot Area	0.4 ha (.98 ac)
Minimum Lot Frontage	30 m (98.4 ft)
Minimum Yard Requirements	
- Front Yard	7.5 m (24.6 ft)
- Rear Yard.....	7.5 m (24.6 ft)
- Interior Side Yard	3.0 m (9.84 ft)
- Exterior Side Yard.....	7.5 m (24.6 ft)
Maximum Building Height	
- Main Building	10 m (32.8 ft)
- Accessory Building.....	5 m (16.4 ft)
Maximum Lot Coverage	20%
Maximum No. of Dwellings per Lot (excluding a garden suite).....	
	1
Minimum Net Floor Area ¹	
- Garden Suite.....	50 m ² (538.2 ft. ²)

1. See also Section 4.10

Section 7 COMMERCIAL ZONE STANDARDS

7.1 GENERAL COMMERCIAL (GC) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Commercial (GC) Zone except in accordance with the following provisions.

7.1.1 Permitted Uses

1. Residential

- ! Single detached dwelling
- ! Semi-detached dwelling
- ! Converted dwelling
- ! Duplex dwelling
- ! Accessory dwelling unit including dwelling units above permitted commercial use

2. Commercial and Other Uses

- | | |
|--|--|
| ! Auditorium | ! Personal service establishment |
| ! Auto repair garage | ! Pet shop |
| ! Automotive sales establishment | ! Place of amusement |
| ! Automotive service station | ! Printing and publishing establishment |
| ! Bake shop | ! Public utility installation |
| ! Bakery | ! Restaurant |
| ! Bank | ! Retail outlet |
| ! Bed and breakfast establishment | ! Retail store |
| ! Business office | ! Secondhand shop |
| ! Car washing establishment | ! Service outlet |
| ! Clinic | ! Tourist establishment |
| ! Club | ! Wholesale establishment accessory to a permitted use |
| ! Convenience store | |
| ! Dry cleaning and laundry establishment | |
| ! Equipment rental establishment | |
| ! Funeral parlour | |
| ! Gas bar | |
| ! Home for the Aged | |
| ! Laundromat | |
| ! Open storage area accessory to a permitted use | |
| ! Parking lot | |

7.1.2 Zone Provisions

Minimum Lot Area

- Single detached dwelling450 m² (4,844 ft²)
- Semi-detached dwelling720 m² (7,750 ft²)
- Converted/duplex dwelling720 m² (7,750 ft²)
- Automotive service station or gas bar1,160 m² (12,487 ft²)
- All other commercial or non-residential uses450 m² (4,844 ft²)

Minimum Lot Frontage

- Single detached dwelling15 m (49.2 ft)
- Semi-detached dwelling22 m (72.2 ft)
- Converted/duplex dwelling15 m (49.2 ft)
- Automotive service station or gas bar30 m (98.4 ft)
- All other commercial or non-residential uses15 m (49.2 ft)

Minimum Yard Requirements

- Front Yard
 - automotive service station or gas bar12 m (39.4 ft)
 - all other uses6 m (19.7 ft)
- Rear Yard7.5 m (24.6 ft)
- Interior Side Yard
 - Residential uses1.2 m (3.9 ft)
 - Automotive service station6 m (19.7 ft)
 - All other uses no minimum
- Exterior Side Yard
 - automotive service station or gas bar12 m (39.4 ft)
 - all other uses6 m (19.7 ft)

Maximum Building Height

- Main building10 m (32.8 ft)
- Accessory building
 - residential uses5 m (16.4 ft)
 - non-residential uses10 m (32.8 ft)

Minimum Building Separation1 m (3.3 ft)

Maximum Lot Coverage

- Residential uses45%
- All other uses60%

Maximum No. of Dwellings per Lot 1

7.1.3 Additional Provisions

- a) Additional requirements for an automotive service station gas bar or Car Washing Establishment are set out in Section 4.2 of this By-law.

7.1.4 Zone Exceptions

- 1. GC-1, Casselman Restaurant - Principale Street

Within the GC-1 Zone, the following exceptions to this By-law shall apply:

Minimum Exterior Side Yard..... no minimum

2. GC-2, Professional Building - Montcalm Street (By-law 80-42)

Within the GC-2 Zone, the following exceptions to this By-law shall apply:

The minimum exterior side yard provisions are exempted but the requirements of Section 4.19(c) of the By-law shall apply.

Minimum required parking spaces
for each 50 m² (538.2 ft²) of net floor area or portion thereof 1 space

3. GC-3, J.- P. Rozon, St-Jean Street (By-law 85-158)

Within the GC-3 Zone, the following exceptions to this By-law shall apply:

The existing lot area, front and rear yard setbacks shall apply. Further extensions to an existing building shall not contravene the requirements of this By-law. The minimum front yard for any new building shall be 3.5 m (11.5 ft.).

4. GC-4, Southwest Corner, St-Albert (Rue Principale) and St-Isidore Streets (By-law 86-221)

Within the GC-4 Zone, the following exceptions to this By-law shall apply:

Minimum Lot Area 120 m² (1,291.7 ft²)
Minimum Front Yard..... 1.2 m (3.9 ft)
Minimum Rear Yard no minimum
Minimum Exterior Yard..... no minimum
Maximum No. Main Buildings per Lot..... 1
Minimum Landscaping Area for Residential Uses 20%
Maximum Lot Coverage 60%
Planting Strip Location and Width nil

Required parking spaces shall be located on the parking lot to be established in the GC-7 Zone on the north side of St-Isidore Street, west of the CNR right-of-way.

5. GC-5, J-P Laplante, St-Isidore St. (By-law 83-103)

Within the GC-5 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

- ! Single detached dwelling
- ! Accessory dwelling unit
- ! Business office
- ! Commercial garage
- ! Convenience store
- ! Automotive sales establishment (including buses, new and used)
- ! Existing uses

Additional Provisions:

Uses within the R3 Zone shall be permitted but shall not be permitted on the same lot as a commercial garage or an automotive sales establishment.

6. GC-6, Casselman Farm Equipment, St-Isidore St. (By-law 83-105)

Within the GC-6 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

- ! Single detached dwelling
- ! Accessory dwelling unit
- ! Business office
- ! Dry cleaning and laundry establishment
- ! Farm implement or farm supply dealer
- ! Convenience store
- ! Park
- ! Personal establishment; or existing use

7. GC-7, Parking Lot 5, St-Isidore Street (By-law 86-217)

Within the GC-7 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

- ! Parking lot only and the required planting strip

8. GC-8

Reserved.

9. GC-9, Casselman Farm Equipment, Castonguay Street

Within the GC-9 Zone, the following uses shall also be permitted:

- ! Farm equipment or farm supply dealer including the storage of farm equipment.

The provisions for landscaping and screening shall be as follows:

- ! Along the western lot line extending from its intersection with Castonguay Street, for a distance of 53.3 m (175 ft), a continuous *unpierced* hedge and fence shall be required in accordance with Section 4.13 of this By-law and a setback of 3 m (9.8 ft.) shall apply to the storage of any open storage or equipment.

(Note: Italics indicate OMB decision of September 3, 1997.)

10. GC-10, N. Castonguay, Castonguay Street

Within the GC-10 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

- existing uses
- uses permitted in the General Commercial (GC) Zone

The provisions for landscaping and screening shall be as follows:

- ! Along the eastern lot line extending from its intersection with Castonguay Street, for a distance of 68.6 m (225 ft.), a continuous *unpierced* hedge and fence shall be required in accordance with Section 4.13 of this By-law and a setback of 3 m (9.8 ft.) shall apply to any open storage or equipment.
- ! Along the remaining property lines abutting any residential or institutional zone, the landscaping and screening provisions set out in Section 4.13 shall apply.

(Note: Italics indicate OMB decision of September 3, 1997.)

7.2 HIGHWAY COMMERCIAL (HC) ZONE

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial HC Zone except in accordance with the following provisions.

7.2.1 Permitted Uses

!	Auditorium	!	Mini warehouse and storage
!	Autobody Shop	!	Miniature Golf Course
!	Auto repair garage	!	Open storage area
!	Automotive sales establishment	!	Parking area
!	Automotive service station	!	Place of amusement
!	Bank	!	Recreational vehicle sales, storage and service
!	Building supply centre	!	Restaurant
!	Business office	!	Retail outlet wholesale establishment accessory to a permitted use
!	Car Rental Agency	!	Service outlet
!	Car washing establishment	!	Tavern
!	Club	!	Tourist establishment
!	Commercial garage	!	Tourist outfitters establishment
!	Contractor's or trades person shop	!	Transportation depot
!	Convenience store	!	Transportation terminal
!	Equipment rental establishment	!	Truck stop
!	Equipment storage building	!	Veterinary establishment
!	Existing retail store	!	Video rental outlet
!	Funeral parlour	!	Warehouse
!	Garden centre	!	Welding shop but not including an accessory dwelling
!	Gas bar	!	Accessory uses to the foregoing
!	Gasoline card lock facility	!	

7.2.2 Zone Standards

Minimum Lot Area	1,000 m ² (10,764 ft ²)
Minimum Lot Frontage	22 m (72.2 ft)
Minimum Yard Requirements	
- Front Yard	7.5 m (24.6 ft)
- Rear Yard.....	10 m (32.8 ft)

Interior Side Yard	
- Abutting a residential use or zone.....	10 m (32.8 ft)
- Abutting another zone.....	3 m (9.8 ft)
Exterior Side Yard.....	7.5 m (24.6 ft)
Maximum Building Height.....	12 m (39.4 ft)
Maximum Building Separation.....	3 m (9.8 ft)
Maximum Lot Coverage.....	60%

7.2.3 Zone Exceptions

1. HC-1, South of Highway 417 (By-law 89-300)

Within the HC-1 Zone, the following exceptions to this By-law shall apply:

Minimum distance separation between the north limit of the road allowance between Concession 7 and 8 and any building shall be 85 m (278.9 ft).

2. HC-2

Reserved.

3. HC-3, Caisse Populaire de Casselman, Principale Street (By-law 94-601)

Within the HC-3 Zone, the following exceptions to this By-law shall apply:

Permitted uses:

- ! Financial institution
- ! Business office
- ! Uses accessory to the foregoing

4. HC-4 Zone, Route 700 (Chemin du Golf) (By-law 95-619)

Within the Highway Commercial Special Exception HC-4 Zone, the following provisions shall apply:

Permitted uses:

- ! Commercial garage
- ! Welding shop

Minimum lot area.....	3.3 ha (8.4 ac)
Minimum lot frontage.....	17.6 m (58 ft)
Minimum yard requirements	
- Front.....	76.2 m (250 ft)
- West side	6.0 m (20 ft)
- East side	46.3 m (152 ft)
- Rear	470 m (1,543 ft)

Additional Provisions:

The balance of the lands to the north of the existing buildings shall remain vacant.

7.3 HIGHWAY COMMERCIAL RESTRICTED (HCR) ZONE

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial Restricted (HCR) Zone except in accordance with the following provisions.

7.3.1 Permitted Uses

Shall include all permitted uses in the Highway Commercial (HC) Zone save and except the following uses:

- ! Building Supply Centre
- ! Open Storage Area
- ! Transportation Terminal
- ! Transportation Depot

7.3.2 Zone Standards

Shall be those as set out in the Highway Commercial (HC) Zone.

7.4 HIGHWAY COMMERCIAL SPECIAL (HCS) ZONE

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial Special (HCS) Zone except in accordance with the following provisions.

7.4.1 Permitted Uses

!	Auditorium	!	Garden centre
!	Automotive repair garage	!	Gas bar
!	Automotive sales establishment	!	Gasoline card lock facility
!	Automotive service station	!	Miniature Golf Course
!	Bake shop	!	Open storage area
!	Bakery	!	Outdoor display area
!	Bank	!	Parking area
!	Building contractor's shop	!	Place of amusement
!	Business office	!	Recreational vehicle sales, storage and service
!	Car Rental Agency	!	Restaurant
!	Car washing establishment	!	Retail store
!	Clinic	!	Service outlet
!	Club	!	Shopping centre
!	Commercial garage	!	Tavern
!	Convenience store	!	Tourist establishment
!	Dry cleaning and laundry establishment	!	Tourist outfitters establishment
!	Equipment rental establishment	!	Veterinary establishment
!	Factory outlet	!	Video rental outlet
!	Funeral parlour	!	Accessory uses to the foregoing

7.4.2 Zone Standards

Shall be those as set out in the Highway Commercial (HC) Zone.

7.5 LOCAL COMMERCIAL (LC) ZONE

No person shall use any land or erect, alter or use any building or structure in the Local Commercial (LC) Zone except in accordance with the following provisions.

7.5.1 Permitted Uses

- ! Convenience store
- ! Dry cleaning and laundry establishment
- ! Personal service establishment
- ! Single detached dwelling
- ! Snack bar or Coffee shop
- ! Video rental outlet
- ! Accessory dwelling

7.5.2 Zone Requirements

Minimum Lot Area	450 m ² (4,844 ft ²)
Minimum Lot Frontage	15 m (49.2 ft)
Minimum Yard Requirements	
- Front Yard	6 m (19.7 ft)
- Rear Yard.....	7.5 m (24.6 ft)
- Interior Side Yard	1.2 m (3.9 ft)
- Exterior Side Yard.....	6 m (19.7 ft)
Maximum Building Height	10 m (32.8 ft)
Maximum Lot Coverage	45%

7.5.3 Additional Provisions

- a) A minimum of 20 m² (215.3 ft²) shall be devoted as a privacy area for the exclusive use of an accessory dwelling unit and not be used for a parking or loading area.
- b) Only one accessory dwelling unit per lot shall be permitted and may be incorporated as part of the main building or as a detached dwelling.

Section 8 INDUSTRIAL ZONE STANDARDS

8.1 MIXED USE INDUSTRIAL (M) ZONE

No person shall use any land, alter or use any building or structure in the Mixed Use Industrial (M) Zone except in accordance with the following provisions.

8.1.1 Permitted Uses

Residential Uses:

- ! Accessory dwelling

Non-Residential Uses:

- ! Autobody shop
- ! Automotive service station
- ! Building supply centre
- ! Bulk fuel depot
- ! Business office
- ! Car washing establishment
- ! Clinic
- ! Commercial garage
- ! Contractor's or trades person's shop
- ! Custom workshop
- ! Dry cleaning and laundry establishment
- ! Equipment and vehicle storage yard - Industrial
- ! Equipment sales establishment - Industrial
- ! Equipment service and repair establishment - Industrial
- ! Equipment storage building
- ! Factory outlet
- ! Gasoline pump island accessory to a permitted use
- ! Industrial use
- ! Mini warehouse and public storage
- ! Open storage area
- ! Parking lot
- ! Place of Amusement
- ! Public utility installation
- ! Restaurant
- ! Retail or wholesale outlet accessory to a permitted use
- ! Service outlet
- ! Transportation depot
- ! Warehouse
- ! Welding shop
- ! Accessory use buildings, structures or uses

8.1.2 Zone Requirements

Minimum Lot Area	1,000 m ² (10,764 ft ²)
Minimum Lot Frontage	22 m (72.2 ft)
Minimum Yard Requirements	
- Front Yard	7.5 m (24.6 ft)
- Rear Yard.....	10 m (32.8 ft)
- Interior Side Yard	
- Abutting a non-industrial zone.....	10 m (32.8 ft)
- Abutting an industrial zone.....	3 m (9.8 ft)
- Exterior Side Yard.....	7.5 m (24.6 ft)
Maximum Building Height	12 m (39.4 ft)
Minimum Building Separation	3 m (9.8 ft)
Maximum Lot Coverage	60%

8.1.3 Additional Provisions

- a) Where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along the abutting portion of such lot line.
- b) Only one accessory dwelling is permitted for any permitted use in the Mixed Use Industrial (M) Zone.

8.1.4 Open Storage Area Requirements

No open storage area shall be permitted except in accordance with the following provisions:

- a) except for a building supply centre, no open storage area shall be permitted in a front yard or an exterior side yard;
- b) no open storage area shall be permitted in a rear yard adjacent to a rear lot line of a lot which abuts a Residential zone or abuts a lot having a Residential use situated thereon;
- c) no open storage area shall be permitted in an interior side yard adjacent to an interior side lot line of such lot which abuts a Residential zone or abuts a lot having a Residential use situated thereon;

- d) every open storage area or lot having an open storage area situated thereon shall be enclosed by a wall or fence not less than 1.5 m (4.92 ft) in height and constructed of durable material, and maintained in good condition;
- e) no portion of any open storage area for combustible materials shall be located closer than 6.0 m (19.7 ft) to any lot line.

8.1.5 Zone Exceptions

- a) Despite the provisions of Section 8.1.4, an open storage area shall not be permitted in the area shown as M-1 on Schedule "A" to this By-law.

Section 9 INSTITUTIONAL ZONE STANDARDS

9.1 INSTITUTIONAL (I) ZONE

No person shall use any land, alter or use any building or structure in the Institutional (I) Zone except in accordance with the following provisions.

9.1.1 Permitted Uses

- ! Arena
- ! Auditorium
- ! Cemetery
- ! Community centre
- ! Clinic
- ! Club
- ! Curling rink
- ! Day nursery
- ! Institutional Use
- ! Parking area
- ! Place of worship
- ! Public utility installation
- ! Schools
- ! Training and rehabilitation centre

9.1.2 Zone Requirements

Minimum Lot Area	450 m ² (4,844 ft ²)
Minimum Lot Frontage	15 m (49.2 ft)
Minimum Yard Requirements	
- Front Yard	6 m (19.7 ft)
- Rear Yard.....	7.5 m (24.6 ft)
- Interior Side Yard.....	6 m (19.7 ft)
- Exterior Side Yard.....	6 m (19.7 ft)
Maximum Building Height	
- Main Building	n/a
- Accessory Building.....	5 m (16.4 ft)
Maximum Lot Coverage	25%

9.1.3 Zone Exceptions

1. I-1 Zone, Brébeuf Street (By-law 86-196)

Within the I-1 Zone, the following exceptions to this By-law shall apply:

Permitted Uses:

- ! Club
- ! Park
- ! Parking area
- ! Public utility installation

Zone Requirements:

Maximum Lot Area0.07 ha (0.17 ac)

Minimum Lot Frontage..... no minimum

Minimum Yard Requirements

- Front Yard4 m (13.1 ft)
- Rear Yard..... 1.2 m (3.94 ft) main building
- Interior Side Yard 5 m (16.4 ft) main building
- Exterior Side Yard5 m (16.4 ft)

Maximum Building Height.....10 m (32.8 ft)

Minimum No. of Parking Spaces

- Club.....9 spaces
- Minimum Landscaping Area.....20%

Additional Provisions:

- a) No part of any parking lot shall be closer than 1.5 m (4.9 ft) from any street line or property line.

2. I-2, St-Jean Street (Municipal Office) (By-law 85-158)

Within the I-2 Zone, the following exceptions to this By-law shall apply:

The existing lot area, front and rear yard setbacks shall apply. Further extensions to an existing building shall not contravene the requirements of this By-law. The minimum front yard for any new building shall be 3.5 m (11.5 ft.).

3. I-3, Dollard Street (Library)

(By-law 80-42)

Within the I-3 Zone, the following exceptions to this By-law shall apply:

- Minimum Front Yard.....3.9 m (12.7 ft.)
- Minimum Rear Yard0.6 m (1.9 ft.)
- Minimum Number of Parking Spaces..... 4

Additional Provisions:

Planting Strip Location:

A planting strip shall be required along any portion of an interior side lot line which abuts a lot having a residential use thereon.

Section 10 ENVIRONMENT AND OPEN SPACE ZONE STANDARDS

10.1 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land, alter or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the following provisions.

10.1.1 Permitted Uses

- ! Conservation use
- ! Forestry use
- ! Marine facility
- ! Park
- ! Existing uses

10.1.2 Zone Requirements

Lot area, frontage and yard requirements shall be those existing on the effective date of this By-law.

10.1.3 Additional Provisions

- a) No buildings or structures are permitted other than those required for flood or erosion control, bank stabilization, water course protection or which are public or private works which must be located in the zone by nature of their use and are constructed in accordance with accepted scientific and engineering practices.
- b) Land zoned Environmental Protection may be used in the calculation of the minimum lot area or frontage requirements for another zone on that lot where property under one ownership is zoned only partially as Environmental Protection.

10.2 PARKS AND OPEN SPACE (OS) ZONE

No person shall use any land or erect, alter or use any building or structure in the Parks and Open Space (OS) Zone except in accordance with the following provisions.

10.2.1 Permitted Uses

- ! Conservation Use
- ! Forestry Use
- ! Golf Course
- ! Heritage or Historical Site
- ! Park, playground, tot lot
- ! Private or commercial dock or boat house
- ! Recreational and athletic facilities such as a sports field, tennis courts, skateboard o
- ! Recreational trails for cyclists, jogging, hiking, cross-country skiing, snowmobiling

10.2.2 Zone Requirements

Lot Area.....	no minimum
Lot Frontage	no minimum
Minimum Yard	
- All Yards.....	7.5 m (24.6 ft)
(structures excluded)	

10.2.3 Zone Exceptions

1. OS-1, Route 700, Chemin du Golf (Golf Course)

Within the OS-1 Zone, the following exceptions to this By-law shall apply:

- Minimum Lot Frontage..... Nil

10.2.4 Additional Provisions

1. On lands adjacent to the Municipal Sewage Treatment Lagoon, the Minimum Distance Separation from the nearest edge of any sewage lagoon cell and the main wall of any residential dwelling, school, daycare facility or health care facility shall be 150 m (492.1 ft.).

Section 11 FUTURE DEVELOPMENT ZONE STANDARDS

11.1 FUTURE DEVELOPMENT (D) ZONE

No person shall use any land or erect, alter or use any building or structure in the Future Development (D) Zone except in accordance with the following provisions.

11.2 Permitted Uses

Existing uses as of the date of final passing of this By-law.

Accessory uses to any existing use.

11.3 Zone Requirements

Lot area, frontage, lot coverage and yard requirements shall be those existing on the effective date of this By-law.

11.4 Zone Exceptions

1. D-1, Route 700, Chemin du Golf

Within the D-1 Zone, the following exceptions to this By-law shall apply:

Permitted Uses:

- Single detached dwelling

Zone Provisions:

- Minimum Lot Area3.5 ha (8.6 ac)
- Minimum Lot Frontage60 m (196.8 ft.)

11.5 Additional Provisions

1. On lands adjacent to the Municipal Sewage Treatment Lagoon, the Minimum Distance Separation from the nearest edge of any sewage lagoon cell and the main wall of any residential dwelling, school, daycare facility or health care facility shall be 150 m (492.1 ft.).

**The Corporation of the Village of Casselman
Zoning By-law No. 1996-635**

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ZONING SCHEDULE