COMPREHENSIVE

ZONING BY-LAW

NOVEMBER 2017

XX-2017

Corporation de la ville de of the Town of HAWKESBURY

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THE CORPORATION OF THE TOWN OF HAWKESBURY

ZONING BY-LAW NO. _____

Being a By-law for prohibiting the use of land for or except for such purposes as may be set out in the by-law and for prohibiting the erection, location or use of buildings or structures for or except for such purposes as may be set out in the by-law and for regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures within the Municipality.

WHEREAS authority is granted under Section 34 of the Planning Act to the Council of the Corporation of the Town of Hawkesbury to pass this by-law.

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1.0 ADMINISTRATION

1.1 TITLE

This By-Law shall be referred to as the "Town of Hawkesbury Zoning By-law" or "By-Law No. 20-2012".

1.2 LAND SUBJECT TO BY-LAW

The provisions of this By-Law shall apply to all the lands falling within the municipal boundaries of the Corporation of the Town of Hawkesbury as identified on the attached schedules which form an integral part of this By-law.

1.3 ADMINISTRATION

This By-Law shall be administered by the Planning Director or such other person as may from time to time be designated by Council. No permit for the use of land or for the erection or use of any building or structure or the approval of an 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.

1.4 INTERPRETATION

The provisions of this By-Law are minimum requirements except where a maximum requirement is specifically identified.

The Interpretation Act, R.S.O., 1990 applies to this By-Law.

Definitions are given in this By-Law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-Law or any requirement enacted in a substantive provision of the By-Law. Where terms are not defined, common dictionary definitions shall apply.

For purposes of this By-Law the word "shall" means a mandatory requirement.

This By-Law makes reference to the Town of Hawkesbury Official Plan and should be viewed and interpreted in combination with the Official Plan.

Conversion of metric numbers into imperial is provided for general reference only. Where a discrepancy occurs between the metric number and the approximate imperial conversion, the metric value will constitute the requirement.

1.5 CONFORMITY AND COMPLIANCE WITH BY-LAW

Save as otherwise provided in this By-Law, no land, or building, or structure shall be used for any purpose except as hereafter stated in this By-Law and in conformity with all of the applicable provisions of this By-Law.

Notwithstanding anything in this By-Law, no person shall reduce any lot in dimensions, either by conveyance or other alienation of title of any portion thereof, 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. However, no person shall be deemed to have contravened any provision of this By-Law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

Any use or structure which had been deemed to be a non-conforming use or structure in a predecessor

By-Law shall be deemed to be non-conforming if also in violation of any of the provisions of this By-Law.

1.6 CHANGE IN USE

If the use of a property is altered or changed to a different use, which is permitted within the Zoning By-law, the property or use shall be subject to all relevant provisions of the Zoning By-law.

1.7 OBLIGATION

Nothing in this By-Law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, and any other By-Laws of the Town of Hawkesbury and provincial and federal legislation.

1.8 UNLAWFUL USES

Any use established in violation of a predecessor of this By-Law is deemed to have been established unlawfully. If any use which was in violation of any predecessor of this By-law is not in conformity with By-Law 20-2012, the Zoning By-law of the Town of Hawkesbury, it shall now be deemed to be a lawful use for the purposes of this By-law.

1.9 INSPECTION OF LAND, BUILDINGS AND STRUCTURES

Subject to Section 49 of the Planning Act R.S.O., 1990, the Planning Director or any other officer or any person as may from time to time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-Law.

Except under the authority of a search warrant issued by a provincial judge or justice of the peace, an officer or any person acting under his or her instructions, shall not enter any room or place actually being used as a dwelling unit without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

1.10 ENFORCEMENT AND PENALTIES

Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O., 1990 and amendments thereto.

Every person who contravenes By-law 20-2012 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable:

- on a first conviction to a fine of not more than $25,000; and
- on a subsequent conviction to a fine of not more than $10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

This By-Law shall come into force in accordance with Section 34 of the Planning Act RSO 1990 and Ontario Regulation 545/06.

Where a corporation is convicted under subsection of a contravention, the maximum penalty that may be imposed is:

- on a first conviction a fine of not more than $50,000; and
- on a subsequent conviction a fine of not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

When a person who has been convicted of an offence under this By-Law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

The requirements of this By-Law are severable, if any requirements of this By-Law are held invalid, the application of such requirements to other circumstances and the remainder of this By-Law shall not be affected.

1.11 EFFECTIVE DATE

This By-law shall come into force on the date of enactment by Council subject to Section 34(19) of the *Planning Act*.

1.12 REPEAL OF FORMER BY-LAWS

On the day that this By-law comes into full force and effect, By-Law 20-2012 as amended, of the Town of Hawkesbury passed under Section 34 of the Planning Act, R.S.O., 1990 shall hereby be 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-Law if the violation is also a violation of any of the provisions of this By-Law.

1.13 SCHEDULES TO BY-LAWS

The following Schedules, which are attached hereto, form part of this By-Law;

Schedule A – Zones and Zone Classifications

Schedule B – Hazard Area Overlays

1.14 BY-LAW AMENDMENTS

Where an application is made to amend Zoning By-law XX-2017, the application shall be accompanied by the following required information consistent with Ontario Regulation 545/06, Schedule A for a complete application.

COMPLETE APPLICATION

A complete application shall include all of the following elements, subject to confirmation by the Planning Director:

1. A signed “Confirmation of Pre-Consultation Form”
2. A fully completed and signed Zoning By-law Amendment Application Form
3. Submission of the required application fees
4. Submission of all required Plans and Drawings
5. Submission of a Planning Rationale Report
6. Submission of any required technical reports of studies.

These studies or information may include, but are not limited to:

- A servicing options report;
- A hydrogeological study;
- A drainage and/or stormwater management report;
- An Environmental Impact Assessment for a natural heritage feature or area;
- An Archaeological Assessment;
- An influence area study for development in proximity to a waste management facility or industrial use;
- A traffic study;
- A Phase I Environmental Study and if necessary further investigation as required;
- A noise and/or vibration study;
- A source water protection study;
- A minimum separation distance calculation for an industrial use or a waste management facility;

- Confirmation on sufficient reserve sewage system capacity and sufficient reserve water system capacity.
- Vegetation Inventory and /or Tree Preservation Plan.
- Heritage Resource Assessment

The Planning Director will evaluate each application within ten (10) working days of its submission to determine whether the application is complete or whether additional information is required. The applicant will receive formal correspondence from the municipality within ten (10) business days of receipt of said application. The timelines for review will commence on the date when the application is considered complete.

1.15 MINOR VARIANCE

The Committee of Adjustment for the Town of Hawkesbury, upon application to the Committee, may authorize a minor variance in accordance with Section 45(2) of the Planning Act from the provisions of this By-law, in respect of any land, building or structure or the use thereof, as in the opinion of the Committee, is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of this By-law and the Town of Hawkesbury Official Plan are maintained.

1.16 TRANSITION

Where a building permit has been lawfully issued for the construction of a building prior to the effective date of this By-law and where the yard requirements for said building are found to be in contravention by no more than 0.03 m, the non-conforming yard shall be deemed to conform with the requirements of this By-law.

2.0 GENERAL PROVISIONS

No person shall use any lot or erect, alter or use any building or structure, unless serviced by municipal services, except in accordance with the following provisions.

2.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

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

GENERAL

The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use

Any building or structure which is attached to the main building shall not be considered an accessory building or structure

LOCATION

All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same zone as the permitted principal use.

No accessory Buildings, Structures and Uses shall be located closer to the front lot line or the exterior side lot line setback of the zone where it is located.

Except where specified otherwise, no accessory Buildings, Structures and Uses shall be located closer than 1.0 m (3.2 ft.) to any interior side lot line, rear lot line or closer than 2m (6.4 ft.) to the main building.

Air conditioners shall not be permitted within the minimum interior side yard setback.

HEIGHT

The height of accessory buildings or structures shall not exceed 3.8m in Residential Zones, and shall not exceed 4.8m in all other zones. For height exception, refer to Section 2.19 Height Exception.

LOT COVERAGE

Accessory uses, excluding outdoor swimming pools, shall not cover more than 10% in any residential zone or more than 20% of the total lot area in any non-residential zone.

The maximum gross floor area of any accessory building may not exceed 100 m2 (1,076 ft2) in a residential zone or 300 m2 (3230 sq. ft.) in any non-residential zone, except in industrial zones. This shall be calculated as part of the maximum lot coverage permitted in any zone.

Despite Section 2.1 above, a boat house, shed, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the boat house, dock or wharf is located not closer than 3.0 m (9.8 ft.) to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water.

SPECIAL PROVISIONS FOR TEMPORARY ENCLOSURES

Notwithstanding any other provision in this By-law, temporary vehicle enclosures, commonly known as ‘Tempos’, may be permitted in accordance with the following special provisions:

1. The installation does not take place before November 15 of the current year and the

removal is completed by April 15 of the following year.
2. When located in a front or exterior side yard, the temporary car enclosure is a minimum of 1 m from the front or exterior side lot line, provided that the temporary car enclosure does not create a visibility issue that leads to safety concerns.
3. When located in an interior side yard, the temporary car enclosure is a minimum of 0.3m from the interior side lot line.

2.2 AUTO SERVICE STATION, COMMERCIAL GARAGE, GASOLINE BAR, CAR WASHING ESTABLISHMENT

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

GASOLINE PUMP ISLAND LOCATION

The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 5.0 m (16.4 ft.) from any lot and street line. Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3 m (9.8 ft.) to a sight triangle.

The minimum distance between the gasoline pump island, pumps and their related overhead canopies and any pump shall be 7.5 m from any lot line abutting a residential zone.

SEPARATION OF PROPANE TANKS

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

ACCESS AND EGRESS

The combined width of any entrance or exit measured at the front lot line or exterior side lot line shall not be greater than 9 m (29.5 ft).

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 7.5 m (24.6 ft.).

The minimum distance between an interior side lot line and any driveway shall be 3 m (9.8 ft.).

BULK STORAGE TANKS

No bulk storage tank shall be permitted unless it is double walled or is placed in an impervious containment facility which is capable of containing the entire contents of the fuel storage tank in the event of a spill. This provision shall not apply to domestic fuel oil tanks located inside a dwelling.

2.3 BOUNDARY INTERPRETATION

When interpreting zone boundaries, as illustrated on Schedules A and B and forming an integral part of this By-Law, the following provisions shall apply:

- A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- A boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Town lot lines shall follow such lot lines.

Where a boundary is indicated as approximately parallel to a street line or other feature as stated in clause 1, 2, or 3 above, and the distance from such street line or other feature is not indicated, and clause 4 above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance there from shall be determined according to the scale shown on the applicable Schedule.

A boundary indicated as following the limits of the Municipality shall follow such limits.

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

2.4 BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the erection or use for a purpose prohibited by this By-law of any building or structure, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within one year after the date of the passing of this By-law, and such building or structure is completed within a reasonable time after the erection thereof is commenced.

2.5 BUILDINGS TO BE MOVED

No building or structure shall be moved within the limits of the Town or shall be moved from outside the Town into the Town 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.

2.6 CHANGE OF USE AND CERTIFICATE OF OCCUPANCY

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 or through an amendment to this By-law.

No person shall change the use of any land, building or structure without having first applied for and obtained a Certificate of Occupancy. A Certificate of Occupancy is not permission to construct or to occupy the land or building prior to obtaining any permission, license, permit, building permit, authority or approval required by any By-law of the Town or by any other law in force at the time. The applicant is responsible for submitting a separate application to the Building Department for a Certificate of Occupancy.

2.7 CONFLICTING STANDARD

The available building area left on a lot after the required minimum yards have been established may not necessarily be greater than or equal to the maximum lot coverage permitted. Where there is a discrepancy, the more restrictive standards shall apply.

Where there are any other conflicting requirements in this By law, the more restrictive standards shall apply unless specifically stated otherwise.

Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

2.8 CUMULATIVE STANDARD

Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By- law relating to each use shall be complied with.

2.9 DANGEROUS SUBSTANCES

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under the Health, Protection and Promotion Act or regulations there under.

2.10 DAY NURSERY

Private home day nurseries are permitted in all zones where residential uses are permitted as a principal use. Such day nurseries shall comply with the provisions of the Child Care and Early Years Act, 2014.

2.11 DRIVE THROUGH OPERATIONS

A drive through facility may be provided in conjunction with any restaurant, bank or bank machine, a gasoline pump at a gas bar or service station, a pharmacy or drug store or with any use that is associated with a shopping centre.

2.12 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard setback provisions of the By-law to the contrary, where a permitted building is to be erected on a lot in a built-up area, such permitted building may be erected closer to the street line or the centreline of the street as the case may be if the existing buildings(s) on the adjacent lot(s) is (are) closer to the street line or centreline than the By-law provisions permit.

For a proposed building where buildings on both adjacent lots are closer than By-law provisions would permit, setback and yard provisions are calculated as follows: the total of the sum of the two existing adjacent setbacks or yard with the sum divided by two.

For a proposed building where building on one adjacent lot is closer than By-law provisions would permit, setback and yard provisions are calculated as follows: the sum of the existing adjacent setback or yard plus the adjacent By-law requirement, with the sum divided by two.

For a proposed building where buildings on both adjacent lots meet By-law requirement, normal By-law requirements shall apply.

2.13 EXCEPTION ZONE

Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply.

A number after the "-X" (e.g. R-X1) indicates the order of the various exception zones.

2.14 EXISTING LOTS

Where additional land is added to an existing lot which complies with this by-law (such as a lot addition or road allowance closure), the new lot configuration is deemed to conform to the By-Law.

Where there is a developed existing lot that does not meet the minimum setback requirements of the zone, construction of additions or accessory structures shall be permitted provided that the proposal complies with all other provisions of the By-Law. Where a land acquisition by any public authority results in a change to the configuration of a lot that before said change conformed to the By-Law but will not conform when land acquisition is complete, such lot is deemed to comply.

2.15 FENCES

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-Law as may from time-to-time be enacted under the Municipal Act.

2.16 FRONTAGES ON A PUBLIC STREET OR ROAD

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a public road or street maintained year round, as per the requirements of the applicable zone except for the following:

- A communications facility;
- A public utility;

EXCEPTION FOR EXISTING AGREEMENTS

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

FRONTAGE ON MORE THAN ONE STREET

Where a lot fronts on more than one street and is not a corner lot, the requirement for front yards contained in this By-law shall apply to each yard abutting the street in accordance with the provisions of the zone or zones in which such lot is located.

FRONTAGE ON A LANEWAY

Where a lot has frontage only on a laneway, the yard requirements shall apply in accordance with the provisions of the zone or zone in which such lot is located. The yard abutting the laneway shall be considered the front yard for setback purposes for accessory garages.

FRONTAGE ON WATER

Where a lot fronts on a watercourse and a street, the frontage requirement for setbacks contained in this By-law shall apply to both the water frontage and the street frontage. All other setback requirements shall continue to apply. Despite the foregoing accessory structures are allowed as per the requirements of section 2.1.

2.17 GROUP HOMES

Group Homes shall be permitted in all zones that allow residential uses provided that they are licensed by the Province.

2.18 HEIGHT EXCEPTIONS

Where height limitations are set forth in this By-law, such limitations shall not apply to water tanks, flag poles, lightning rods, lighting standards, ventilators, skylights, mechanical equipment penthouses, air conditioning ducts, antennae, satellite dishes, church steeples, belfries, clock tower, chimneys, electrical supply facilities and communications towers. Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the Ministry with respect to height limitations shall prevail.

Notwithstanding the above and any other provisions of this By-law, on the lands shown shaded and in heavy black lines on Schedule A, no building or structure and no accessory building or structure shall be permitted to extend in height above the elevation of the helicopter flight paths for the helipad, located at 500 Industriel Boulevard, pursuant to the regulations of the Ministry of Transport.

2.19 HOLDING ZONES

Any parcel or area of land in any zone on Schedule A of this By-law may be further classified as a holding zone with the addition of the suffix “h”. The intent is to signify Council’s approval in principle to future development of the land for the purposes

indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until such time as the demand for the development of the land is sufficient to warrant immediate development.

Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law as per regulation 545/06 of the Planning Act R.S.O. 1990 and the Corporation may require that the applicant enter into an agreement for the development of the land prior to the amendment being adopted.

2.20 HOME OCCUPATION

Home occupation shall be permitted within a residence or an accessory building or both for the same home occupation.

Home occupation shall be permitted as an accessory use in residential zones in accordance with the following provisions:

- The home occupation shall be clearly secondary to the residential use.
- The business is conducted by a person(s) residing on the premises.
- The business shall be duly licensed by the municipality.
- The maximum area of the home occupation shall be equal to, or less than, 25% of the total floor area of the dwelling up to a maximum of 30 m^2 (322 ft^2).
- Where instruction is carried on, no more than 5 pupils are in attendance at one time.
- The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, dust, fumes, traffic or parking outside the property limits.
- No mechanical or electrical equipment is used except that which is reasonably consistent with the residential use of the dwelling.
- No stock-in-trade is sold or rented, or kept for sale or rent upon the premises unless such items were created by the residents or unless kept for interior display or demonstration purposes only. No retail is permitted.
- There shall be no display or advertising, other than a legal sign of not more than 0.3 m^2 in size, to indicate that a Home Occupation is being conducted in the dwelling unit.
- No outside storage is permitted.

2.21 ILLUMINATION

Illumination of buildings and grounds shall be permitted provided that:

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

OUTDOOR ILLUMINATION

Outdoor illumination of buildings, structures or yards including parking areas shall be permitted provided that such illumination does not interfere with street traffic and that the light is directed away from adjacent lots and further provided that such illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals. Outdoor illumination components shall be illustrated on a Site Plan, where applicable.

2.22 LANDSCAPED OPEN SPACE

Any land used for landscaped open space shall be included in the calculations of lot area, yard requirements, etc. as set forth in this By-Law.

Provisions for landscaped open space with respect to buffering non-compatible land uses are set forth in the specific land use zones of this By-Law. Where zone standards include required landscaped

buffers, no accessory use shall be permitted to locate within the required landscaped buffer.

In any Residential, Commercial, or Trade and Industry zone, any portion of any front yard which is not used for any other permitted use shall be exclusively devoted to landscaped open space.

Any land used for landscaped open space shall be included in the calculations of lot area, yard requirements, etc. as set forth in this By-Law.

Where landscaping is required as a buffer, such landscaping shall be continuous except for lanes, driveways, aisles or walkways which provide access to the lot.

2.23 LOADING REQUIREMENTS

The owner or occupant of any lot, building or structure located in an Industrial or Commercial Zone which involves the frequent receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials shall provide and maintain on the lot occupied by the building or structure, loading spaces in accordance with the following regulations:

NUMBER OF SPACES REQUIRED

The number of loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

FLOOR AREA OF BUILDING	NUMBER OF LOADING SPACES
250 m2 or less	0
Exceeding 250 m2 but not 1,000 m2	1
Exceeding 1,000 m2 but not 7,500 m2	2
Exceeding 7,500 m2	2 plus 1 space for each additional 7,500 m2 of floor area or fraction thereof in excess of 7,500 m2

SIZE OF LOADING SPACE

Each loading space shall be at least 14 m long, 3.5 m wide and have a vertical clearance of 4.5 m.

LOCATION

The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such spaces shall not form part of any street or required parking area, and shall not be located within a required front yard or exterior side yard.

ACCESS

Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one-way traffic and 6.0m wide for two-way traffic and located within the lot on which the loading spaces are located.

CUMULATIVE STANDARDS

Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirement for each use.

ADDITIONS TO BUILDINGS

The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in the Table above for such addition.

2.24 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.

2.25 NON-CONFORMING AND NON COMPLYING USES

CONTINUANCE OF EXISTING USES

Nothing in this By-Law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-Law so long as it continues to be used for that purpose.

EXTENSION OR EXPANSION OF EXISTING USES

Where the use of any land, building or structure is prohibited under this by-law, such land, building or structure shall not be extended or enlarged except by amendment to this by-law or through a permission granted by the Committee of Adjustment and provided that such non-conforming use existed on the day of the passing of this by-law and continues to be used for such purposes.

PRIOR BUILDING PERMITS

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

ROAD WIDENING

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

RECONSTRUCTION OR REPAIR OF EXISTING BUILDING

A building or structure being used for a legal non-conforming use may be reconstructed, renovated, repaired or strengthened to a safer condition where such building or structure was lawfully used for such purpose on the day of the passing of this by-law and continues to be used for such purpose, provided that the building or structure is constructed in conformity with the requirements of this by-law. Where such building or structure is also an existing legal non-conforming building or structure, the building or structure may be reconstructed, renovated, repaired or strengthened to a safer condition provided that the building or structure does not further reduce any zoning requirements.

ADDITION TO EXISTING BUILDING OR STRUCTURE

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

EXISTING UNDERSIZED LOTS

Despite anything else contained in this By-Law, where a vacant lot lawfully created having a lesser frontage and/or area than is required by this By-Law is held under distinct and separate ownership from adjoining lots, according to the register for land in the Land Titles or Registry Office, on the date of the passing of this By-Law, it may be used for a purpose permitted in the zone in which the said lot is located, provided it can be adequately serviced and that all other applicable provisions in this By-Law are met.

ACCESSORY BUILDINGS

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

CHANGE IN USE

The non-conforming use of any land, building or structure shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, without a Zoning By-law Amendment or a Permission issued by the Committee of Adjustment.

NON-CONFORMING BY REASON OF METRIC CONVERSION

Existing lots, buildings and uses which cannot meet one or more metric standards in this By-Law but which can meet the approximate value of the imperial equivalent standard shall not be deemed non-conforming for this reason only.

2.26 NOXIOUS USES

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture by the Public Health Act or any regulations made there under.

2.27 OCCUPANCY RESTRICTIONS

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

- Any private garage or other building which is accessory to a residential use;
- Temporary buildings incidental to construction activities
- Any truck, bus, recreational vehicle, coach or streetcar body whether or not it is mounted on wheels.
- Any space that doesn't conform to the Ontario Building Code

2.28 OUTSIDE STORAGE, SALES AND DISPLAY

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

- Outside storage shall not be permitted within any required front yard or exterior side yard and no closer than 5.0 m (16.4 ft.) to any side or rear lot line.
- Where outside storage areas abut a zone in which residential uses are permitted, the required setback of the outside storage area shall be increased to 10.0m (32.8 ft.) and must also be visually screened from any zone in which residential uses are permitted.
- Any areas used for outside storage shall be in addition to any minimum off-street parking or loading areas required by this By-law.

GARBAGE ENCLOSURES

A visual buffer of at least 1.2 m (3.9 ft.) tall must be provided around outdoor garbage enclosures.

Garbage enclosures are not to be located in any front yard or in the minimum exterior side yard.

Garbage enclosures shall be located in such a way so as to be easily serviceable.

Garbage enclosures are to be set back a minimum distance of 7.5 m (24.6 ft.) from any property line adjacent to a residential zone.

2.29 PARKING AND STORAGE OF VEHICLE

Except as provided herein, no vehicles shall be parked or stored in a zone in which residential uses are permitted unless the vehicle is located within a garage, carport, driveway, designated parking area or on a street as permitted by Municipal By-law.

No parking space in a zone in which residential uses are permitted shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the main permitted use of the lot on which it is parked or stored and bears a motor vehicle license plate or sticker which is currently valid.

1. VEHICLES

No parking is allowed within the landscaped or lawned area. Commercial vehicles shall not be parked within any Residential Zone except for the purpose of delivery of goods, wares and merchandise where delivery is carried on in the ordinary course of business.

2. RECREATIONAL VEHICLES

The parking and or storage of recreational vehicles or trailers in residential zones is prohibited unless such recreational vehicle or trailer is parked or stored within a residential garage or is placed in an interior or rear yard in such a manner as 80% of the recreational vehicle or trailer is screened from view.

3. PARKING SPACE DIMENSIONS AND CONFIGURATION

Each standard parking space shall have a minimum width of 2.75 m (9.0 ft.) and a minimum length of 5.75m (18.8 ft.). Each barrier-free parking space shall have a minimum width of 3.0 m (9.8 ft.) and a minimum length of 6.0 m (19.7 ft.) and shall provide for an aisle of 1.5 metres (4.9 feet) in between each barrier-free parking space. In residential areas where parking lots are not required, parking spaces may be configured one behind the other or side by side.

4. CUMULATIVE STANDARDS

Unless permitted elsewhere in this By-law, where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.

When a building or structure has, at the time of the passing of this By-law, insufficient parking to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, change of use, or replacement in whole or in part, of any such building or structure. However, no addition, change of use or replacement may occur, the effect of which would be an increase in that deficiency.

5. INGRESS AND EGRESS

a) Ingress and egress, to and from the required parking spaces and lot, shall be provided by means of unobstructed driveways or passageways at least 3 m., but not more than 9 m., excluding curb ramps, except in a Residential zone wherein the maximum width of all driveways or passageways on the lot shall be 9 m or 60% of the width of the lot, whichever is less. In the Industrial zones, the maximum width of the driveways on the lot, shall be 12 m.

b) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 m., excluding curb ramps.

c) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such a driveway, shall be 7 m., except for automobile service stations, gas bars and retail propane/compressed natural gas transfer facilities where the minimum shall be 4.5 m.

d) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 7 m.

e) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

6. AISLE WIDTHS

Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 m (19.7 ft.) for two-way traffic and 3.5 m (11.5 ft.) for one-way traffic.

A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 3.5 m (11.5 ft.) where designed for one-way vehicular circulation or 6.0 m (19.7 ft.) where designed for two-way vehicular circulation.

7. BUFFERING OF PARKING LOT

a) Where, in a yard in any zone, a parking area providing more than 4 parking spaces is closer than 6 m from a lot in a Residential zone, a fence at least 1.8 m in height shall be erected and maintained. The land between the fence and the parking area shall be landscaped with planting material and shall be maintained in a healthy growing condition.

b) Where, in a yard in any zone, a parking area providing more than 4 parking spaces is closer than 3 m from a street line, a strip of landscaped open space a minimum width of 1.5 m shall be provided along the lot line abutting the street and shall be continuous except for aisles and driveways required for access to the parking area. A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

8. PARKING LOT AND DRIVEWAY SURFACE

Each parking lot and driveway connecting the parking lot with a street shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces. For residential properties the required surfacing shall be completed within one year following the issuance of the occupancy permit.

9. BARRIER FREE PARKING

One barrier-free parking space shall be provided for every 20 standard parking spaces or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements.

10. LOCATION AND NUMBER OF SPACES

The required parking for residential uses shall be provided on the same lot as the dwelling unit. In all other zones, parking shall be provided within 100 m (328 ft.) of the building or lot it is intended to serve, subject to an agreement, deed or renewable lease which provides for same.

All parking lots containing more than four (4) parking spaces shall be located to have a minimum distance of 1.5m to any street and lot line.

In the event that the calculation of the minimum parking space requirement results in a fraction, the minimum requirement shall be the next higher whole number.

Since the Town does not own any public parking area it is suggested that the reductions in parking are to be achieved through minor variances or Zoning By-law amendment.

SCHEDULE FOR PARKING REQUIREMENTS

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

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
Residential	2 spaces per residential dwelling unit (single, semi and duplex). Row and Apartment dwellings require 1.5 spaces per dwelling unit and an additional 20% reserved for visitors
Auto body shop, auto repair shop, auto service station, gas bar	3 spaces per service bay plus 1 space per employee
Assembly hall, auditorium, dance hall, cinema, theatre and similar places of public assembly	1 space for every 4 seats, fixed or otherwise and where there are no seats, 1 space for every 10m2 (107.6 sq. ft.) assembly space
Bed and breakfast establishment/Heritage tourist inn	1 space per guest room plus 2 spaces for the proprietors of the establishment
Building supply store, lumber yard, garden centre, nursery	1 space for each 20m² (215.2 sq. ft.) of gross floor area and 1 space for each 35m² (376.2 sq. ft.) of open storage
Clinic	6 spaces per doctor
Day nursery – licensed	1 space per employee and 1 space per 5 children
Furniture store	1 space per 92.9 m². (1000 sq. ft.)
General business, retail store, convenience store, grocery store, commercial and personal service establishment, bank, office, meeting rooms, professional office or funeral establishment	1 space per 20m² (215.2 sq. ft.) of Gross Floor Area, minimum 5 spaces
Home occupations	As per section 3.22
Hospital	1.2 spaces per 100 m^2 (1076 ft^2) of hospital space
Hotel, motel	1.25 space per guest unit, plus 1 space for each 6 persons of designated seating capacity of any accessory eating establishment
Manufacturing, industrial storage or wholesale, warehouse	1 space per 200m² (2153 sq. ft.) of Gross Floor Area
Marina	1/ boat slip and 2/ boat launching ramp, in addition to any parking requirements for accessory uses as may be permitted, other than boat storage areas or boat storage sheds.
Nursing home, home for the aged, long-term care facility	1 space for every 6 patient beds plus 1 space for every 4 employees
Place of worship	1 space for every 5 seats, fixed or otherwise
Restaurant, restaurant-drive-in, beverage establishment, tavern	1 space per 10m² (107.6 sq. ft.) of Gross Floor Area
School	2 spaces per classroom
Seniors oriented residential facility	0.5 spaces per unit plus an additional 10% reserved for visitors
All other uses not listed above	1 space per 30m² (323 ft^2) of Gross Floor Area

2.30 PARKING OF BICYCLES

Except as may otherwise be provided for, the minimum number of parking stalls for bicycles, motorcycles or similar vehicles in addition to the required vehicle parking, must be provided as set out in the following table:

USE	NUMBER OF REQUIRED SPACES
Townhouse or Multiple Dwellings	4 spaces
Schools	1 space per 20 m² of classroom plus 1 space per 800 m² of office area; minimum 4 spaces
Offices	4 spaces
Commercial Uses (unless otherwise noted), including Restaurants (excluding take-out only)	4 spaces
Convenience Store	4 spaces
Community Centre	10% of required vehicle parking; minimum 4 spaces
Industrial Use	4 spaces

BICYCLE SPACE DESIGN STANDARDS

All required spaces for bicycles, motorcycles or similar vehicles must be provided in accordance with the following design standards:

TYPE OF USE	QUEUING SPACES
Bank or Bank Machine	3 spaces
Car Wash Conveyor Type	6 spaces
Car Wash Automatic Type	6 spaces
Car Wash Manual Type	4 spaces
Gas Bar	3 spaces per pump island
Restaurant	11 spaces
Service Station	4 spaces

- The minimum dimensions for each space intended for bicycles must be 0.6 m in width and 1.8m in length with a 1.2m clear access aisle and 1.2m vertical clearance;
- Bicycle spaces shall be secured by a locked door or shall include a securely anchored rack to which the bicycle frame and one wheel can be locked.
- Bicycle parking stalls shall be located close to major building entrances.
- The minimum dimensions for each space intended for motorcycles or similar vehicles must be 1.0 m in width and 2.1m in length;

Motorcycle parking can be located in areas which may be unsuitable for vehicle parking due to size or shape and not intended for pedestrian traffic, however the parking must be clearly delineated by markings and barriers.

2.31 QUEUING SPACE REQUIRED

Where any of the uses permitted by this by-law offer drive-through service, off-street vehicle queuing spaces leading to and from the drive-through service must be provided in accordance with the following table:

QUEUING SPACE STANDARDS

1. All queuing spaces must be 2.75 metres (9.0 feet) in width by 6 metres (19.7 feet) in length.
2. All queuing spaces must be separated by at least 3 metres (9.8 feet) from any residential use. Any yard abutting a residential use must be screened by solid fencing at least 1.5 metres (4.9 feet) in height.

2.32 PARKING AREA LOCATION

Parking shall be permitted in yards in accordance with the following table, except as otherwise required for landscaped open space pursuant to the provisions of Section 2.29 Buffering of Parking Lot.

TYPE OF USE	YARD IN WHICH REQUIRED PARKING ARE PERMITTED
1. Apartment Dwelling	All yards, except in the required front yard, provided no driveway and no parking spaces shall be located within 6 m respectively of a wall containing habitable room window, and provided that where a dwelling house requires 4 or more parking spaces such spaces are no closer than 1.5 m to any lot line.
2. Other Residential	All yards, except in the required front yard, wherein a driveway may be located provided no parking spaces and no driveways shall be located within 6 m of a wall containing habitable room window, unless the parking spaces and/or driveways are reserved for the exclusive use of the occupants of the dwelling unit containing the habitable room window, and provided that where 4 or more required parking spaces are to be located together such spaces are no closer than 1.5 m to any lot line. (Town of Hawkesbury By-law 85-95, August 1, 1995)
3. Single Detached Dwelling House	All yards.
4.Group Housing	Parking shall be located in relation to each dwelling house as though each dwelling house is located on a separate lot in accordance with the requirements contained in this table. (Town of Hawkesbury By-law 85-95, August 1, 1995)
5. Open Space, Commercial	All yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.
6. Industrial, Institutional	Interior side and rear yards only, except for visitor parking covering not more than 20% of the front yard area, provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.

2.33 PERMITTED PROJECTIONS

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

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters	0.50 m (1.64 ft.) into any required yard
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the established grade, with or without supporting posts	2.0 m (6.5 ft.) into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (1/2) the setback of the building from the street line
Air conditioners	1.0 m (3.28 ft.) into any rear yard or exterior side yard
Window awnings	1.2 m (3.9 ft.) into any required yard
Steps, ramps for use by handicapped, and walkways	No maximum into any required yard
Unenclosed porch, patio, balconies or steps	No maximum into any side yard and the lesser of 50% of the required front or rear yard or 3 metres.

2.34 PRIVATE SWIMMING POOLS

Private swimming pools, above-ground and in-ground, outdoor and indoor, shall be permitted subject to any By-law of the Town regarding swimming pools and the following requirements:

OUTDOOR POOLS

Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory uses and structures.

No part of an outdoor pool including an associated apron or platform which is in an external side yard shall be constructed closer to a street line than the setback requirements in the zone within which it is located nor closer to the lot line in a rear yard than the minimum distance required for an accessory use or structure. Notwithstanding the above, in the event there is an electric power line on the subject property, the required set back of said power line shall meet the requirements of the Hydro Authority and TSSA.

Outdoor pools shall have a setback minimum of 2 metres from the main building on a lot.

INDOOR POOLS

Indoor pools which are not an integral part of a dwelling unit or part of a municipal or private recreational facility shall conform with the accessory building requirements contained in subsection 3.1.

2.35 PROHIBITED USES

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.

Uses which are not specifically identified as a permitted use in a zone shall not be permitted.

Facilities for the housing and care of livestock are a prohibited use.

2.36 PROVISIONS FOR THE HANDLING AND TRANSFER OF PROPANE AND NATURAL GAS

Facilities relating to the handling and transfer of propane and natural gas, including tanks and associated compressors, pumps and other similar facilities shall not be located in any required front, side, exterior side or rear yard. All facilities must be setback a minimum of 30 metres (98.4 feet) from any residential use.

Notwithstanding the above the 30 metre (98.4 feet) setback from residential uses may be reduced in accordance with the findings and recommendations of a Noise Impact Assessment Study prepared by a qualified professional that there will be no adverse impact to residential uses and provided that a minimum six metre (19.6 feet) setback is maintained.

2.37 PUBLIC USES

Any land may be used and any building or structure may be erected or used for the purpose of a public service by the Corporation or by local Boards, Commissions or Committees thereof, any department or agent of the United Counties of Prescott and Russell or the Government of Ontario or Canada, including Hydro One Networks Inc., provided that:

1. The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with, except for transmission facilities for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);
2. No goods, material, or equipment shall be stored in the open except where allowed in a specific zone.
3. Any building or structure erected in a Residential Zone under the authority this By-law shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone.
4. Parking and loading requirements as contained in this By-law shall be complied with.

2.38 ROOMING OR BOARDING HOUSES

Rooming or boarding houses are not permitted within any zone within the Town of Hawkesbury.

a) **SECONDARY DWELLING UNITS** secondary dwelling units permitted in any detached, semi-detached or row dwelling, in any zone that permits any one or more of these dwelling types provided:

   i. It does not change the streetscape character along the road on which it is located.
   ii. It is not a stand-alone, principal unit capable of being severed.
   iii. It must be located on the same lot as its principal dwelling unit.
   iv. It only exists along with, and must be contained within the same building as, its principal dwelling unit.

b) A secondary dwelling unit is not permitted on a lot that is legally non-complying with respect to lot frontage or lot area.

c) A maximum of one secondary dwelling unit is permitted per principal dwelling unit in the case of a detached, semi-detached dwelling or row dwelling. If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. If located in a basement, it may occupy the whole of the basement.

d) Where located both at or above grade, and in the basement, the secondary dwelling unit must not be greater in size than an amount equal to 40% of the gross floor area of its principal dwelling unit. This provision does not apply where the secondary dwelling unit is located entirely within the basement save and except for its entrance located on the ground floor as required by subsection f) and h).

e) Where an attached garage is converted to create the secondary dwelling unit or a portion of the secondary dwelling unit, such attached garage is included in the calculation of the gross floor area of the dwelling.

f) The creation of a secondary dwelling unit must not result in any new doorway entrance added to the front wall, whether before, during or after the creation of the secondary dwelling unit.

g) Subsection f) does not:

   i. Prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor
   ii. Prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor
   iii. Require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor
   iv. Prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway entrance along that front wall, but where there is one along the exterior side wall of the dwelling unit.

h) The doorway entrance that leads to a secondary dwelling unit is limited to locations on the ground floor only, except where building and fire codes dictate otherwise.

i) The principal and secondary dwelling unit must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created, except in the case of corner lots.

j) Where a secondary dwelling unit is located on a lot, neither a garden suite nor any rooming units are permitted on that lot.

2.39 SETBACK FROM WATERCOURSE

A setback of 30 metres (98.4 feet) is required from a watercourse for all development except where it can be demonstrated through an Environmental Impact Study (EIS) prepared by a qualified professional that there will be no adverse impacts to the watercourse, the 30 metres (98.4 feet) setback may be reduced in accordance with the recommendations of the EIS.

SHORELINE ACCESSORY STRUCTURES

The following shoreline accessory structures are permitted within the 30 metres (98.4 feet) setback:

- Boathouse to a maximum length of 8 metres (28.2 feet) and;

- Boatport to a maximum length of 8 metres (28.2 feet) and;
- Dock to a maximum length of 8 metres (28.2 feet) and;
- Stairs and landings, provided that the landings do not exceed the width of the stairs they serve and are not greater in width than 2.5 metres (8.2 feet) and;
- Shed not exceeding 10 square metres (107 square feet).

All development must meet the requirements of Ontario Regulation 148/06 and obtain permits from the Conservation Authority where applicable.

YARD EXCEPTIONS FOR WATER BODIES, WATERCOURSES, EMBANKMENTS AND CLIFFS

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 edge of a water body or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 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 edge of said water body or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

2.40 SITE ALTERATION OR VEGETATION REMOVAL – WATERFRONTS LOTS

The following provisions shall apply to development proposed on lots fronting on a watercourse:

1. All development proposed on lands with frontage on a watercourse are required to submit a landscape plan that identifies vegetation within 30 metres (98.4 feet) of the watercourse.
2. Notwithstanding the foregoing, if the proposed development can demonstrate no adverse impact to the watercourse by means of an Environmental Impact Statement (EIS) undertaken by a professional qualified to perform the evaluation, the standards outlined above may be reduced in accordance with the report's recommendations.

2.41 SIGHT TRIANGLE

Notwithstanding any provisions of this By-law to the contrary, within any area defined as sight triangle, the following uses shall be prohibited:

- A building, structure or use which would obstruct the vision of drivers of motor vehicles including the storage of any materials or goods including trailers and recreational vehicles.
- A fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the centrelines of abutting streets.
- A parking area.
- A finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 metres.

SIGHT DISTANCE

For the purpose of this By-Law, the following sight distance shall apply:

- 4.5 metres (14.7 ft.) in all residential zones
- 6 metres (19.7 ft.) in all other zones

The Planning Department has the authority to modify the required sight distance during the planning approvals process.

2.42 SPECIAL SETBACKS

No person shall use any land, building or structure for a sensitive use (e.g. residential use, daycare centre, educational or health facility) unless it complies with the following minimum

distance separations, influence areas or special setbacks distances. Influences areas or setbacks shall be measured as set out in the following:

SETBACKS FROM SLOPES

Where any lot is adjacent to or traversed by an Unstable Slope as shown on Schedule B of the Town of Hawkesbury Official Plan and further zoned as a Development Constraint as shown on Schedule B to this By-law, any building or structure to be erected thereon, (including a swimming pool or underground structure) shall be set back from the top of the slope a minimum of 15 metres.

The minimum setback may be reduced or eliminated provided a geotechnical study conclusively demonstrates that the reduction or elimination of the setback will not result in an unsafe structure.

This provision does not apply to permitted marine facilities, marinas or transmission facilities for gas, telephone, cable or hydro or to flood control or slope stabilization structures.

INDUSTRIAL USES

The following setbacks shall apply to industrial land uses:

- Class I Industrial: The minimum separation distance from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) shall be 70 m (230 ft.) measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.
- Class II Industrial: The minimum separation distance for this industrial classification from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) shall be 300 m (984 ft.) measured from the property line of the industrial use which is closest to the main wall of the sensitive land use.
- Class I, II, III separation distances may be reduced where it is demonstrated through a technical study prepared in accordance with current Ministry of the environment guidelines that a lesser separation distance is appropriate.

SETBACKS FROM EASEMENTS

All buildings and structures shall be setback a minimum of 1.5 meters from existing hydro or drainage easements, with the exception for pools near hydro lines, the setbacks shall be 4.6m as per TSSA.

2.43 STORAGE / SHIPPING CONTAINERS

The use of a Storage / Shipping Container as an accessory use on a lot zoned for residential purposes is prohibited.

The use of a Storage / Shipping Container as an accessory use in a commercial or industrial zone may be permitted subject to the following provisions:

- The container shall be located in a rear yard or side yard in accordance with the setbacks for an accessory building;
- A building permit is required prior to the installation of the container
- Where containers located in a commercial zone are not screened from view, their external finish shall be similar to that of the main building;
- The use of a cube van box, a trailer or part of a vehicle as a storage container is prohibited;
- The temporary use of a storage container on a residential lot is permitted where such container is required for temporary storage during construction or renovation. In such cases a permit shall be required from the municipality;

- The Storage / Shipping container shall be included in any calculation of total lot coverage.

2.44 STREETS AND PARKS

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

2.45 TEMPORARY BUILDINGS OR STRUCTURES DURING CONSTRUCTION

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

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

1. Approval is obtained pursuant to the matters contained herein; and
2. 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 Town it is no longer required.

2.46 TEMPORARY USE ZONES

Where the zone symbol zoning certain lands as shown on Schedule A is followed by the suffix 'T' (for example RD1T), a use or uses in addition to the uses permitted in the zone in which the lands are located shall be permitted for a specified period of time following which the use or uses shall cease. Temporary uses shall only be permitted by an Amendment to this By-law where the temporary use is in conformity with the Official Plan. The amending by-law shall include the following provisions:

- a description of the lands on which the temporary use or uses is/are permitted including the municipal address where appropriate.
- a list of the permitted temporary use or uses.
- specification of the time period for which the temporary use or uses is/are permitted including the date on which the use or uses is/are to cease, on which date the Amendment shall be deemed to be repealed and the temporary use(s) no longer permitted.
- A description of any conditions which apply to the temporary use or uses.

2.47 WATER AND SEWAGE DISPOSAL SYSTEMS

Future development shall proceed on the basis of municipal water and sewers and storm drainage except as otherwise indicated herein. Full municipal services means piped sewage and water services that are connected to a centralized water and waste water treatment facility. Calculations for the uncommitted reserve capacity of water and sewer systems will be required, where necessary, to determine the capacity of services to support new development.

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

Notwithstanding the foregoing, the Town may consider permitting alternative servicing for

specific properties where such properties have been identified in the Official Plan. This will only be considered in isolated cases where full municipal services cannot be extended due to technical reasons. Alternative servicing may include individual on-site systems or communal services.

3.0 ZONES

For the purposes of this By-law, the Town of Hawkesbury is divided into the following zones as named and described in the following sections, the boundaries of which are shown on Schedule "A" which is attached and forms part of this By-law.

ZONE NAME		ZONE SYMBOL
3.1 Residential Zones	**3.1.1 Residential Zone 1**	R1
	3.1.2 Residential Zone 2	R2
	3.1.3 Residential Zone 3	R3
	3.1.4 Residential Zone 4	R4
3.2 Future Development Zone		D
3.3 Waterfront Zone		W
3.4 Trade and Industry Zones	**3.4.1 Trade and Industry Zone 1**	E1
	3.4.2 Trade and Industry Zone 2	E2
3.5 Commercial Zones	**3.5.1 Community Core Commercial**	CC
	3.5.2 Regional Commercial	RC
	3.5.3 Highway Commercial	HC
	3.5.4 Local Commercial	LC
3.6 Open Space Zone		OS
3.7 Hazard Zone		H
3.8 Institutional Zone		I

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

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

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

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

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

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

A boundary indicated as following the limits of the Municipality shall follow such limits.

In the event a dedicated street, lane or right-of-way shown on any Schedule forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way.

If a closed street, lane or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way.

3.1 RESIDENTIAL ZONES

RESIDENTIAL TYPOLOGIES

The following table provides an overview of the various housing typologies permitted in the Town of Hawkesbury and the zones in which these uses are permitted.

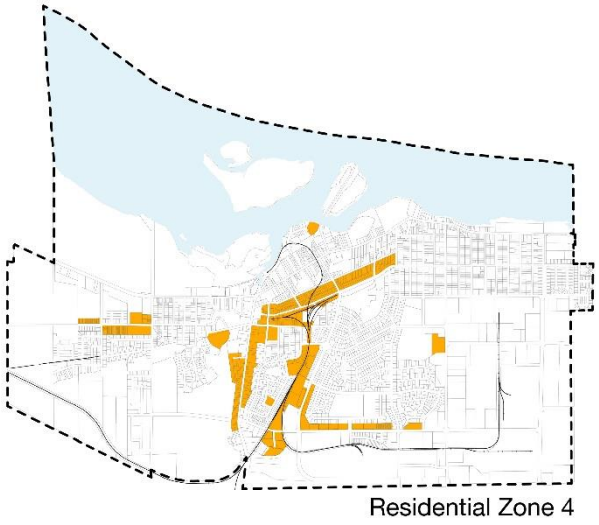
	R1	R2	R3	R4
Dwelling - Apartment				•
Dwelling - Converted			•	•
Dwelling - Duplex		•	•	•
Dwelling - Secondary Dwelling Unit	•	•	•	•
Dwelling - Semi-detached		•	•	
Dwelling - Single Detached	•	•		
Dwelling - Townhouse (Street or Planned Unit)			•	•
Dwelling – Triplex and Quadruplex			•	•

The following pages illustrate each dwelling type in a simple, illustrative format. Each dwelling type is provided with a Description, Zone Provisions, Map, and example Site Layout Plan and Perspective views.

DWELLING – APARTMENT

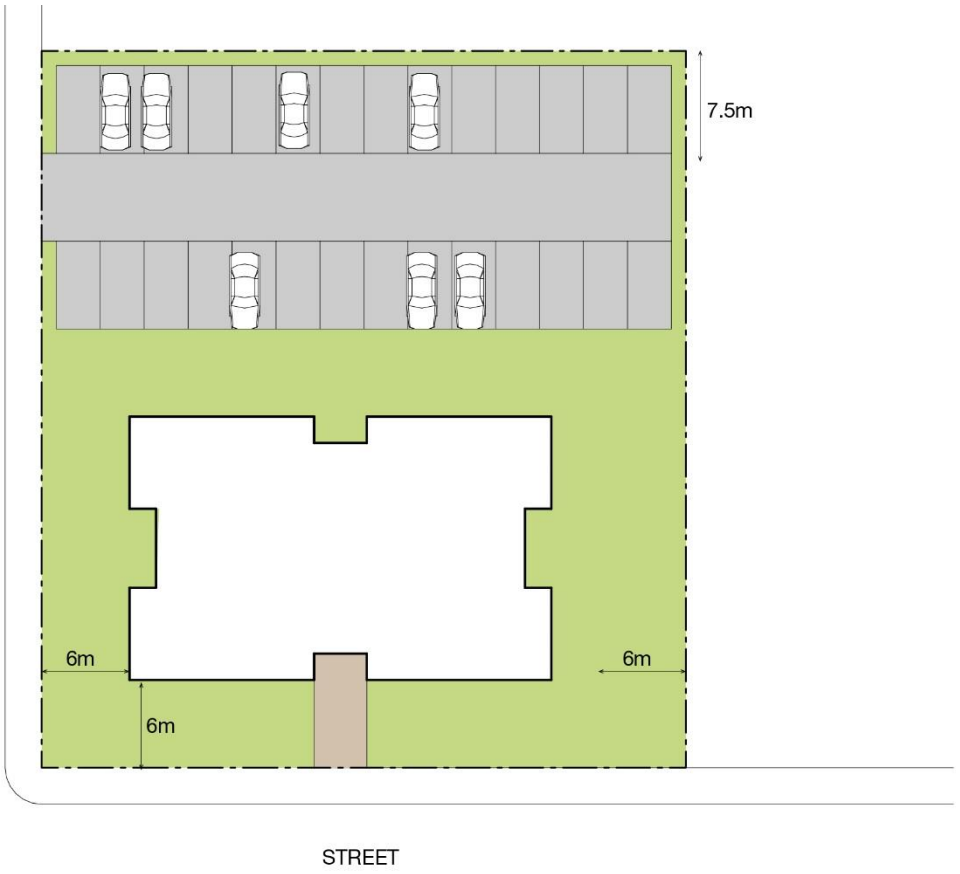
DESCRIPTION	ZONE PROVISIONS	R4
A **dwelling - apartment** is a vertically-stacked building which contains five (5) or more dwelling units, with each dwelling unit having a separate entrance or access via a common entranceway. A building originally constructed as a detached house, semi-detached house, or townhouse converted to accommodate multiple units is not a **dwelling – apartment**, and is a **dwelling – converted.**	**Frontage (min)**	30 m
	Lot Area (min)	600 m^2
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	21 m
	Density (max)	1 dwelling unit per 100m^2 of lot area

APPLICABLE ZONING MAP

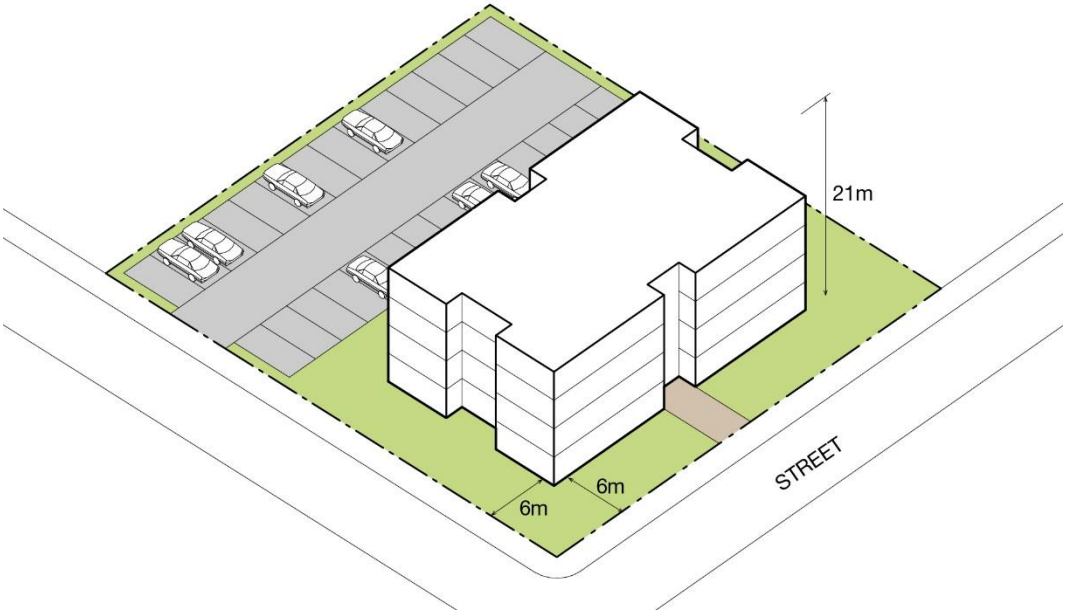


Residential Zone 4

EXAMPLE SITE LAYOUT PLAN VIEW



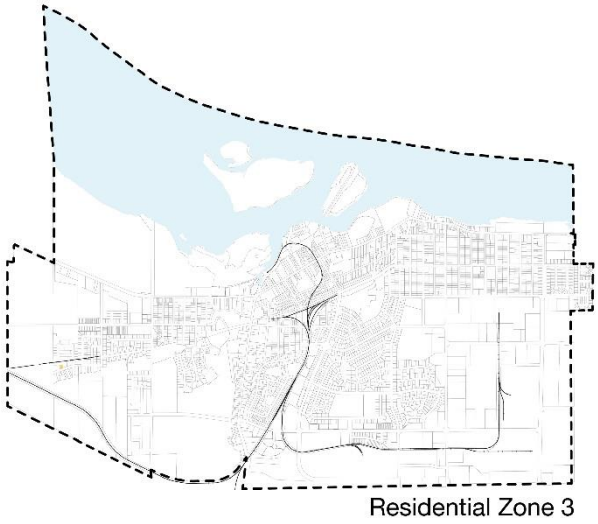
EXAMPLE SITE LAYOUT PERSPECTIVE VIEW

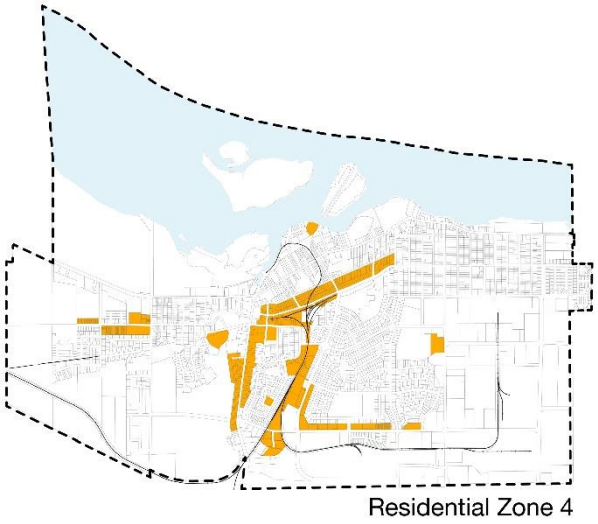


DWELLING – CONVERTED

DESCRIPTION	ZONE PROVISIONS	R3 AND R4
A **dwelling – converted** is a building originally designed as a single-detached or a building type other than a **dwelling – apartment**, and having been altered or converted so as to provide therein not more than four (4) dwelling units.	**Frontage (min)**	Existing
	Lot Area (min)	Existing
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	A combined total of 4.2 metres, with no yard less than 1.2 metres. Where a carport or garage is attached to the main building, a total of 2.4 metres is permitted.
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

APPLICABLE ZONING MAPS

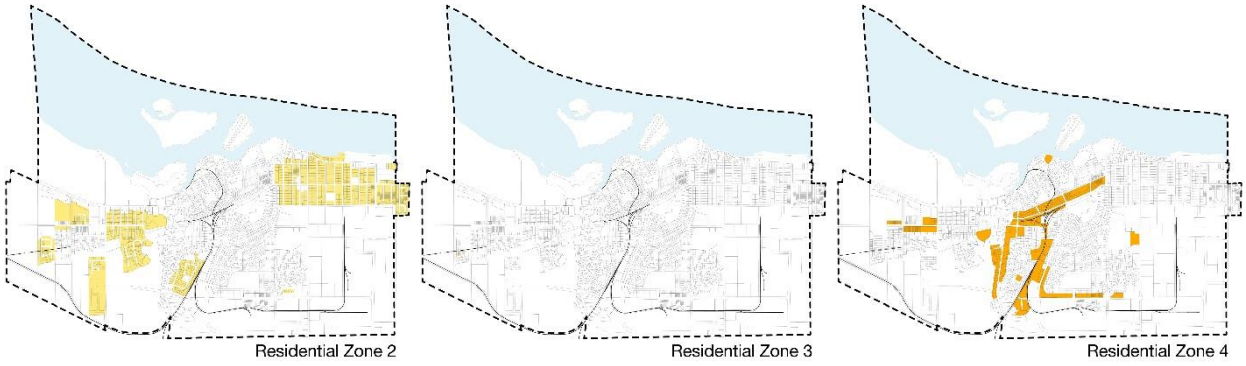

Residential Zone 3


Residential Zone 4

DWELLING – DUPLEX

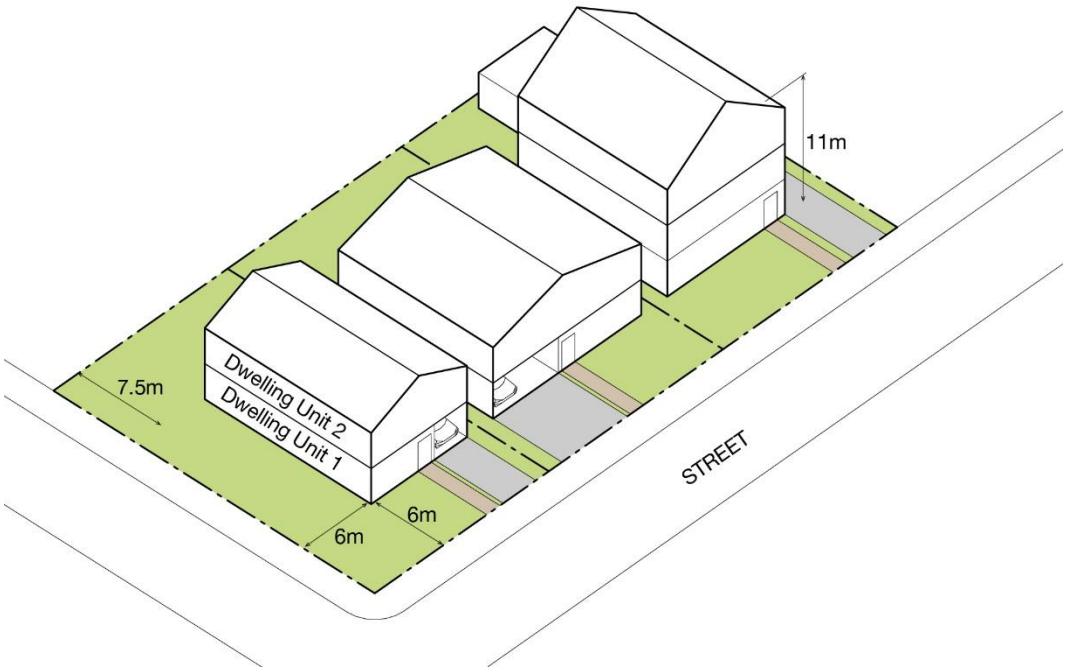
DESCRIPTION	ZONE PROVISIONS	R2, R3 AND R4
A **dwelling – duplex** is a building divided horizontally into two (2) dwelling units, each having a separate entrance or access via a common vestibule.	**Frontage (min)**	16 m
	Lot Area (min)	465 m^2
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	A combined total of 4.2 metres, with no yard less than 1.2 metres. Where a carport or garage is attached to the main building, a total of 2.4 metres is permitted.
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

APPLICABLE ZONING MAPS



EXAMPLE SITE LAYOUT PLAN VIEW

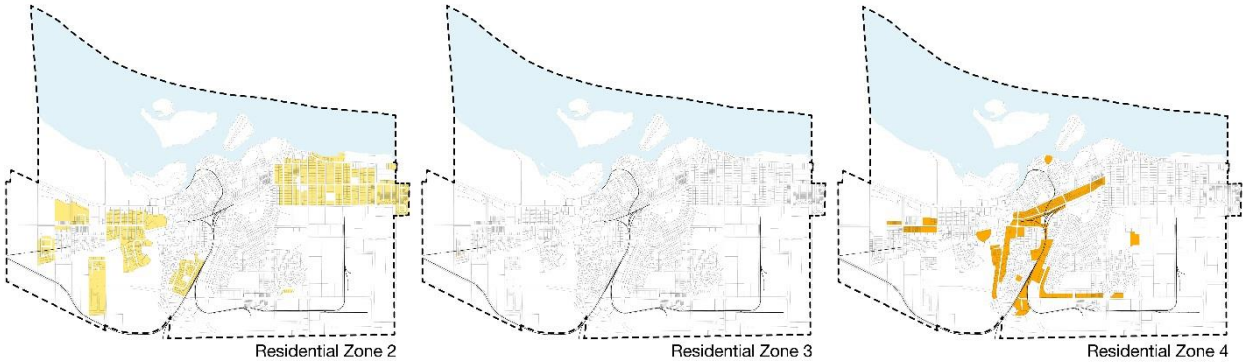
EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



DWELLING – SEMI-DETACHED

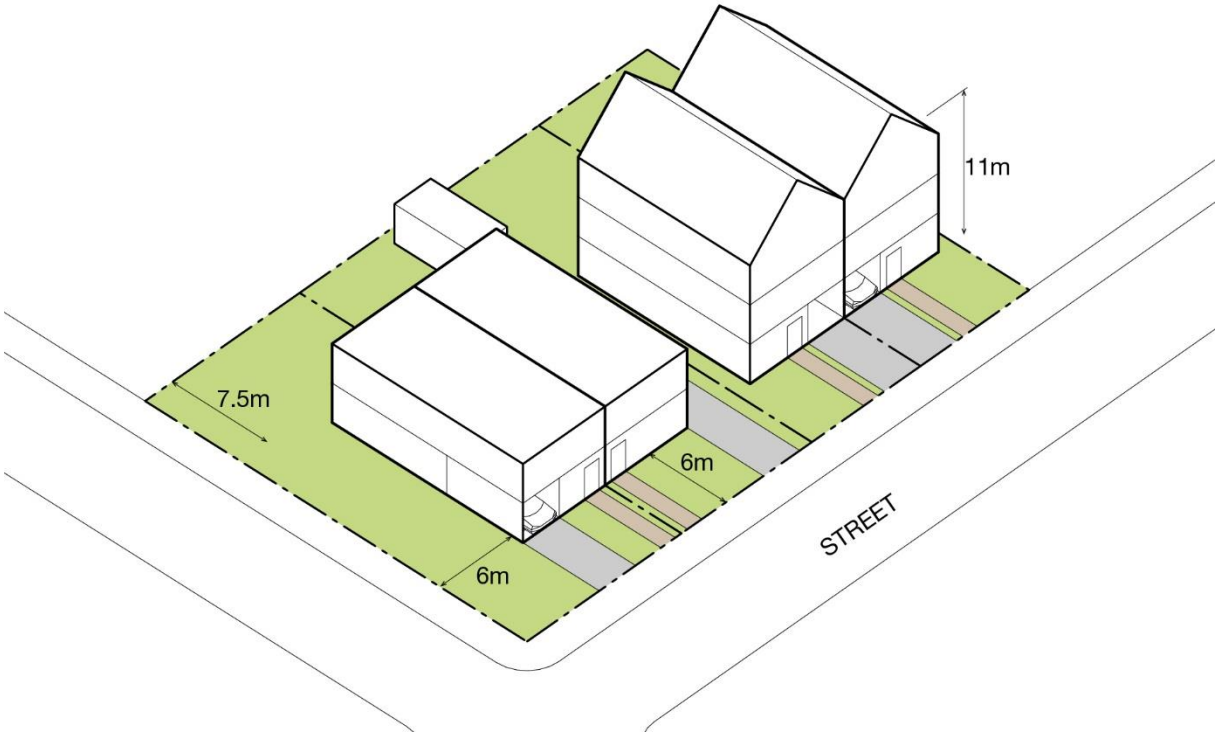
DESCRIPTION	ZONE PROVISIONS	R2, R3 AND R4
A **dwelling – semi-detached** is a building on a single foundation, divided vertically into two separate dwelling units by a common wall. As per the provisions of Section 2.39, one **secondary dwelling unit** may be located within a **dwelling – semi-detached**.	**Frontage (min)**	9 m
	Lot Area (min)	275 m^2
	Setbacks (min)	
	Front (F)	6m
	Exterior Side Yard (ESY)	6m
	Interior Side Yard (ISY)	3 m, except where a garage or carport is attached to the main building, the minimum shall be 1.2 m. No setback is required for the portion of the building on the zero-lot-line.
	Rear Yard (R)	7.5m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

APPLICABLE ZONING MAPS


Residential Zone 2 Residential Zone 3 Residential Zone 4

EXAMPLE SITE LAYOUT PLAN VIEW

EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



DWELLING – SINGLE DETACHED

DESCRIPTION	ZONE PROVISIONS	R1 AND R2
A **dwelling – single detached** is a permanent free-standing residential use building that contains only one principal dwelling unit. As per the provisions of Section 2.39, one **secondary dwelling unit** may be located within a **dwelling – single-detached.**	**Frontage (min)**	15 m
	Lot Area (min)	420 m^2
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	A combined total of 4.2 metres, with no yard less than 1.2 metres. Where a carport or garage is attached to the main building, a total of 2.4 metres is permitted.
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

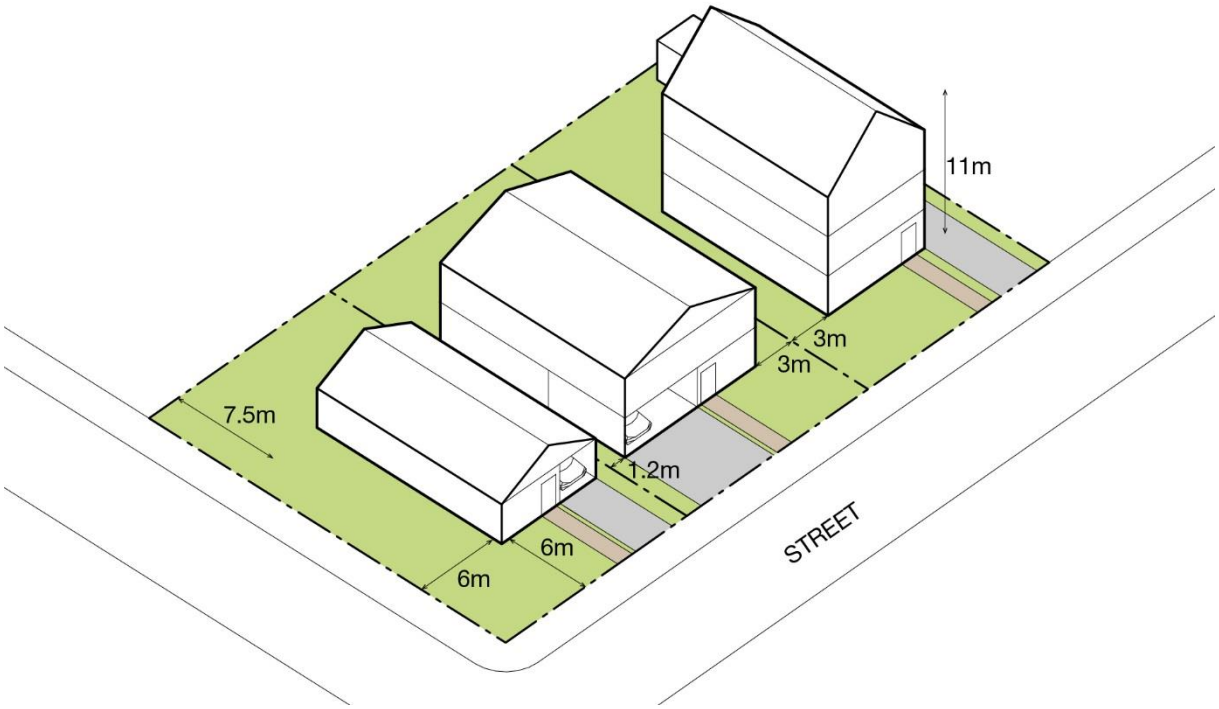
APPLICABLE ZONING MAPS

Residential Zone 1

Residential Zone 2

EXAMPLE SITE LAYOUT PLAN VIEW

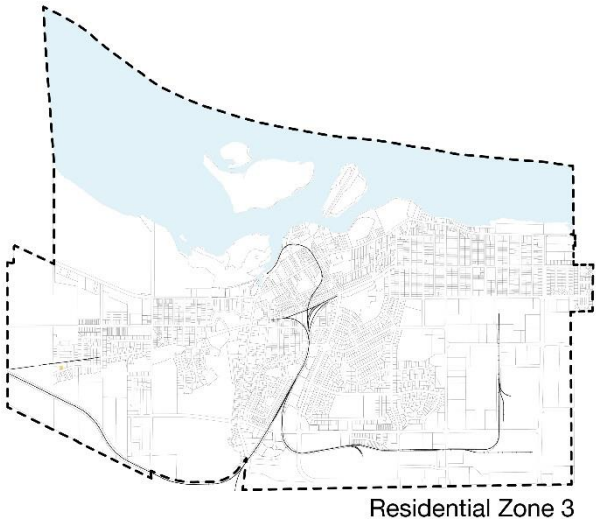
EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



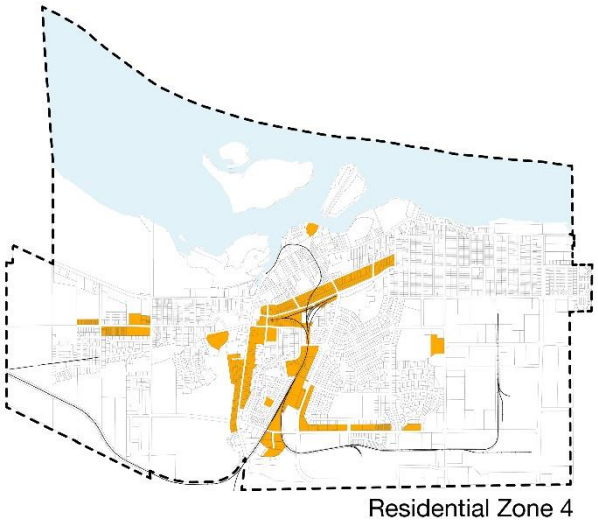
DWELLING – TOWNHOUSE (STREET)

DESCRIPTION	ZONE PROVISIONS	R3 AND R4
A **dwelling – townhouse** means a dwelling divided vertically into three (3) or more dwelling units, each of which has independent entrances to front and rear privacy yards. A **dwelling – townhouse (street)** means a townhouse dwelling which abuts a street and is designed as an independent dwelling unit for freehold occupancy on a single lot. As per the provisions of Section 2.39, one **secondary dwelling unit** may be located within a single detached dwelling.	**Frontage (min)**	5.5 m
	Lot Area (min)	200 m^2
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	3 m where located adjacent to an end unit
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	50%
	Landscaped Area (min)	30%
	Building Height (max)	11 m
	Density (max)	Maximum 6 units per townhouse grouping

APPLICABLE ZONING MAPS

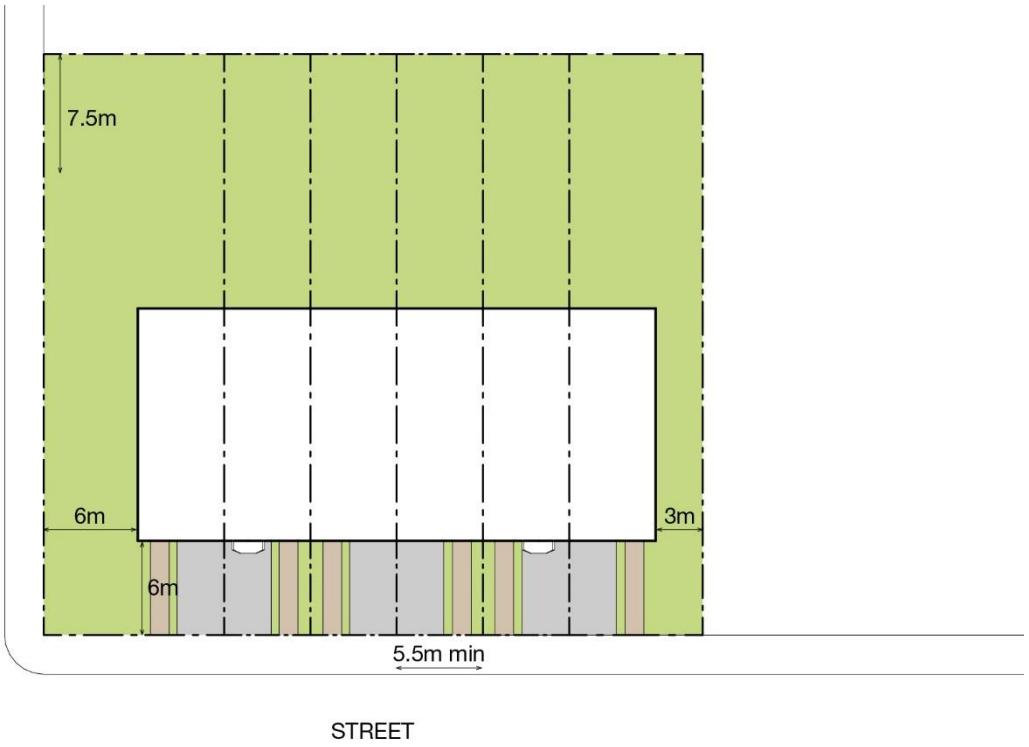


Residential Zone 3

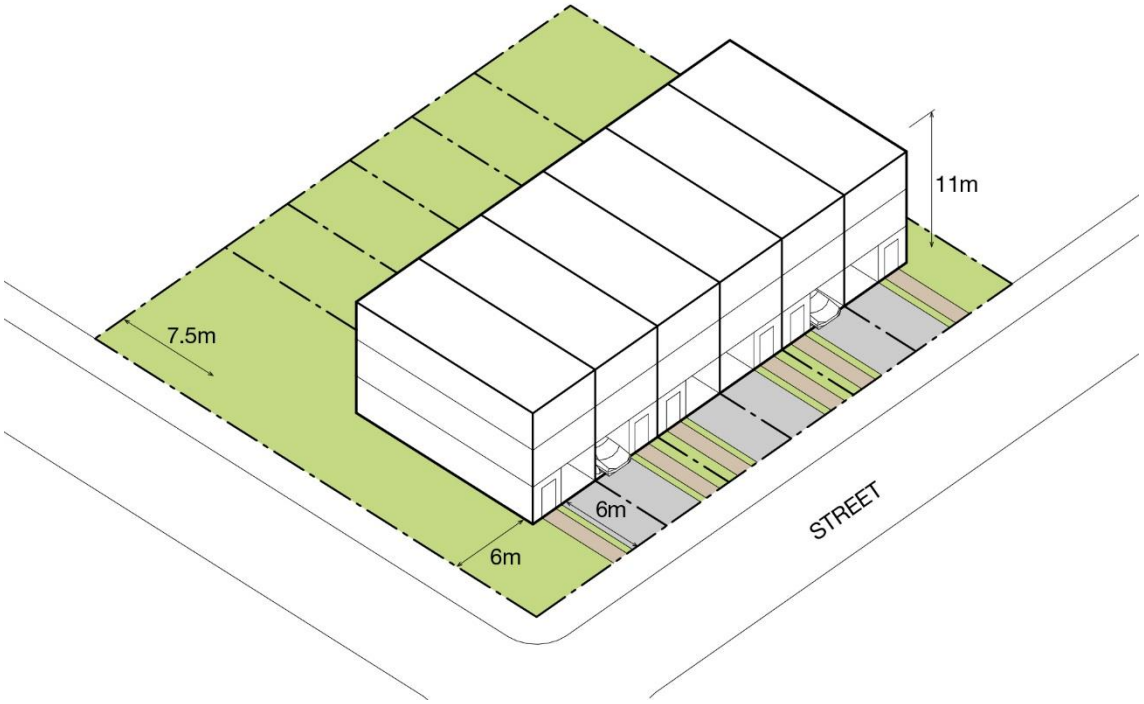


Residential Zone 4

EXAMPLE SITE LAYOUT PLAN VIEW



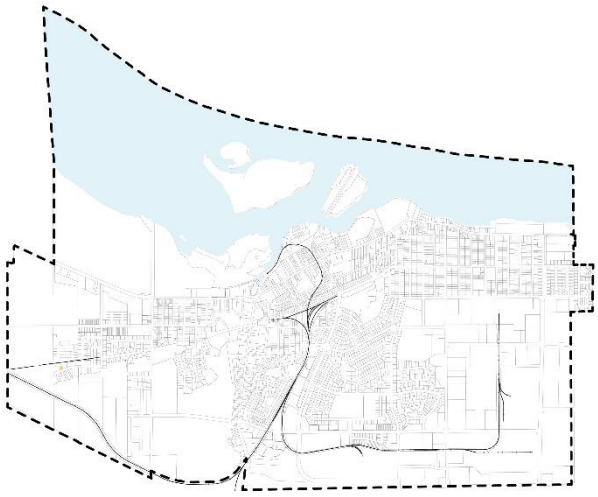
EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



DWELLING – TOWNHOUSE (PLANNED UNIT)

DESCRIPTION	ZONE PROVISIONS	R3	R4
A **dwelling – townhouse** means a dwelling divided vertically into three (3) or more dwelling units, each of which has independent entrances to front and rear privacy yards. A **dwelling – townhouse (planned unit)** means a townhouse dwelling which forms part of a group of such dwellings and sharing common facilities with the other units, including a public road, parking, recreation areas, and other shared facilities. As per the provisions of Section 2.39, one **secondary dwelling unit** may be located within a single detached dwelling.	**Frontage (min)**	30 m	30 m
	Lot Area (min)	2000 m^2	2000 m^2
	Setbacks (min)		
	Front (F)	6 m	6 m
	Exterior Side Yard (ESY)	6 m	6 m
	Interior Side Yard (ISY)	6 m	6 m
	Rear Yard (R)	7.5 m	7.5 m
	Lot Coverage (max)	40%	40%
	Landscaped Area (min)	30%	30%
	Building Height (max)	11 m	14 m
	Density (max)	1 dwelling unit per 200m^2 of lot area	1 dwelling unit per 200m^2 of lot area

APPLICABLE ZONING MAPS



Residential Zone 3

Residential Zone 4

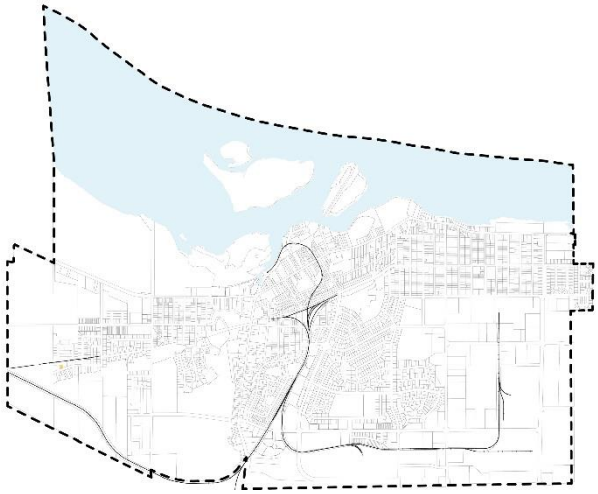
EXAMPLE SITE LAYOUT PLAN VIEW

EXAMPLE SITE LAYOUT PERSPECTIVE VIEW

DWELLING – TRIPLEX AND QUADRUPLEX

DESCRIPTION	ZONE PROVISIONS	R3	R4
A **dwelling – triplex** means a building that is divided horizontally into three (3) separate dwelling units each of which has an independent entrance, either directly or through a common vestibule. A **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.	**Frontage (min)**	18 m	
	Lot Area (min)	600 m^2	
	Setbacks (min)		
	Front (F)	6 m	
	Exterior Side Yard (ESY)	6 m	
	Interior Side Yard (ISY)	3 m	
	Rear Yard (R)	7.5 m	
	Lot Coverage (max)	40%	
	Landscaped Area (min)	30%	
	Building Height (max)	11 m	14 m
	Density (max)	1 dwelling unit per 200m^2 of lot area	1 dwelling unit per 150m^2 of lot area

APPLICABLE ZONING MAPS

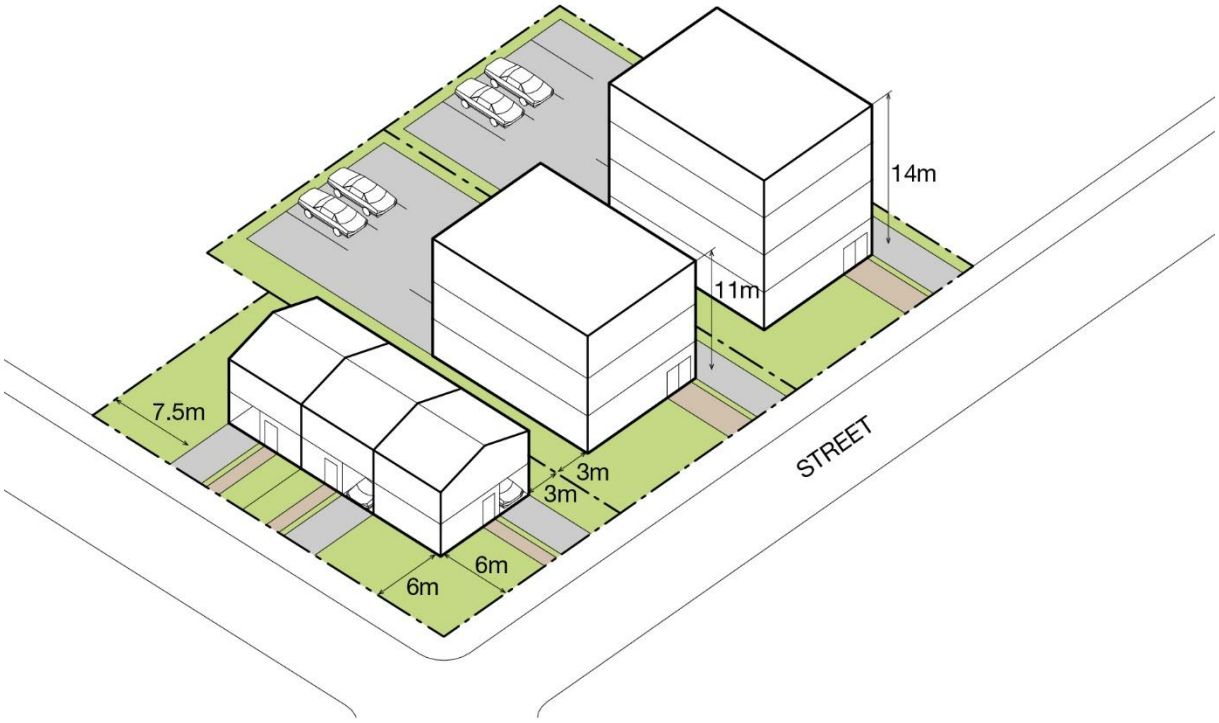


Residential Zone 3

Residential Zone 4

EXAMPLE SITE LAYOUT PLAN VIEW

EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



3.1.1 RESIDENTIAL ONE ZONE (R1)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Residential One (R1) zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

PURPOSE

The intent of the Residential One (R1) zone is to restrict the building form to detached dwellings so as to regulate development in a manner that is compatible with existing land use patterns, and to maintain and enhance the residential character of the area. The intent is also to permit limited ancillary uses to the principal residential use to allow residents to work at home and maintain a secondary dwelling unit.

PERMITTED USES

RESIDENTIAL	PROVISIONS
Detached Dwelling	Section 3.1
Home Occupation	Section 2.20
Secondary Dwelling Unit	Section
NON-RESIDENTIAL	
Community Garden	
Park	
Accessory Uses	Section 2.1

NOTES AND ADDITIONAL PROVISIONS:

1. A community garden or a park is not subject to the minimum lot area and minimum width provisions of the above table.

3.1.2 RESIDENTIAL TWO ZONE (R2)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Residential Two (R2) zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

PURPOSE

The intent of the Residential Two (R2) zone is to permit a land use pattern that maintains the overall residential character of the neighbourhood while allowing additional housing choices which contribute to a greater built form density than the R1 zone. The R2 zone permits the same dwelling types as the R1 zone, in addition to semi-detached and duplex dwellings.

PERMITTED USES

RESIDENTIAL	PROVISIONS
Detached Dwelling	Section 3.1
Duplex Dwelling	Section 3.1
Home Occupation	Section 2.20
Secondary Dwelling Unit	Section
Semi-Detached Dwelling	Section 3.1

NON-RESIDENTIAL	
Community garden	
Park	
Accessory Uses	Section

NOTES AND ADDITIONAL PROVISIONS:

1. A community garden or a park is not subject to the minimum lot area and minimum lot frontage provisions of the above table. However, any development on such lands will be subject to the other provisions for a detached dwelling.

3.1.3 RESIDENTIAL THREE ZONE (R3)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Residential Three (R3) zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

PURPOSE

The intent of the Residential Three (R3) is to permit a wide range of dwelling types to provide additional housing choices in primarily newly developing areas of the Town of Hawkesbury. The R3 zone establishes a built form and land use fabric that is significantly denser than the R1 or R2 zones, introducing townhouses, triplexes and quadruplexes.

PERMITTED USES

RESIDENTIAL	PROVISIONS
Dwelling - Converted	Section 3.1
Dwelling - Duplex	Section 3.1
Dwelling – Semi-detached	Section 3.1
Dwelling – Triplex / Quadruplex	Section 3.1
Dwelling - Townhouse, Street	Section 3.1
Dwelling – Townhouse, Planned Unit	Section 3.1
Home Occupation	Section 2.20
Secondary Dwelling Unit	Section
Bed and Breakfast	Standards shall be as required for Dwelling – Single Detached and in accordance with relevant provisions of Section 3.1

NON-RESIDENTIAL	
Community garden	
Park	
Accessory Uses	Section

NOTES AND ADDITIONAL PROVISIONS:

1. All uses in Residential Three Zone (R3) Uses shall be subject to site plan control with the exception of accessory uses and secondary dwelling units.

3.1.4 RESIDENTIAL FOUR ZONE (R4)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Residential Four (R4) zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

PURPOSE

The intent of the Residential Four (R4) zone is to permit a range of higher-density dwelling types of in areas capable of accommodating this type of development. New low-density housing types, such as single detached and semi-detached dwellings, are permitted only as per the provisions below. The R4 zone is expected to accommodate most of the higher-density growth in the Town of Hawkesbury.

PERMITTED USES

RESIDENTIAL	PROVISIONS
Dwelling – Single Detached	Section 3.1
Dwelling – Semi-detached	Section 3.1
Dwelling - Converted	Section 3.1
Dwelling - Duplex	Section 3.1
Dwelling – Triplex / Quadruplex	Section 3.1
Dwelling - Townhouse, Street	Section 3.1
Dwelling – Townhouse, Planned Unit	Section 3.1
Dwelling – Apartments	Section 3.1
Home Occupation	Section 2.20
NON-RESIDENTIAL	
Community garden	
Park	
Accessory Uses	Section

NOTES AND ADDITIONAL PROVISIONS:

1. Infill development shall be permitted provided that the proposed residential development is of the same type (i.e. single detached, semi-detached etc.) as existing development located on lots immediately adjacent to the vacant lot to be developed. Where the type of dwelling units vary, infill shall proceed on the basis of existing development located on adjacent lots which have the same road access as the vacant lot. Where the type of residential development varies on adjacent lots with the same road access, development may proceed on the basis of the higher density existing development. For example if the vacant lot is adjacent to a single detached dwelling on one side and a semi-detached dwelling on the other, the vacant lot may be developed with a semi–detached dwelling.
2. Planned unit townhouse dwellings and apartment dwellings shall be located only on arterial or collector roads.

3. Street townhouse dwellings are permitted on an arterial or collector road provided that access to the collector or arterial is provided through a single common access.

3.2 FUTURE DEVELOPMENT ZONE (D)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Future Development (D) zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	D
The intent of the Future Development (D) zone is to recognize lands intended for future urban development that will accommodate growth in the Town of Hawkesbury. Existing uses in the D zone are subject to the provisions below.	**Frontage (min)**	Existing
	Lot Area (min)	Existing
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

PERMITTED USES	PROVISIONS
Uses existing as of the date of passing of this By-law	
Additions to uses existing as of the date of passing of this By-law	
Accessory uses to uses existing as of the date of passing of this By-law	
Accessory Uses	Section

3.3 WATERFRONT ZONE (W)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Waterfront Zone (W) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	W
The intent of the Waterfront (W) zone is to regulate existing uses located along the waterfront of the Town of Hawkesbury. Waterfront areas are generally environmentally sensitive and may require additional studies, including Environmental Impact Statements (EIS), for new development to proceed or for modifications to existing buildings and uses.	**Frontage (min)**	No minimum
	Lot Area (min)	No minimum
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	6 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

PERMITTED USES	PROVISIONS
Uses existing as of the date of passing of this By-law	
Additions to uses existing as of the date of passing of this By-law	
Accessory uses to uses existing as of the date of passing of this By-law	
Accessory Uses	Section

3.4 TRADE AND INDUSTRY ZONES

- Trade and Industry One Zone (E1)
- Trade and Industry Two Zone (E2)

PERMITTED USES	E1	E2
Artisan's Studio	◆	
Assembly Plant	◆	◆
Automobile Body Shop	◆	
Building Contractor's Shop	◆	◆
Catering Establishment	◆	
Commercial Storage		
Contractor or Trade Establishment	◆	◆
Custom Workshop	◆	
Day Nursery, Licensed	◆	
Drive in or Drive Through facility	◆	◆
Dry Cleaning Distribution Station	◆	
Dry Cleaning Plant		◆
Equipment Rental Establishment	◆	
Equipment Service and Repair	◆	
Factory Outlet	◆	◆
Hotel	◆	
Industrial Mall	◆	◆
Industrial Uses Class I Industry, Light		◆
Industrial Uses Class II Industry, Medium		◆
Multiple Occupancy Industrial Building		◆
Office	◆	◆
Printing Establishment	◆	◆

USE	E1	E2
Recreational Vehicle Sales		
Recycling Depot or Transfer Station		◆
Research Centre	◆	◆
Restaurant	◆	
Restaurant, Take-Out	◆	
Retail Factory Outlet	◆	◆
Retail, Large Format		
Retail Store		
Sample and Showroom	◆	◆
School, Commercial	◆	◆
School, Private	◆	
Service or Repair Establishment	◆	
Service, Industrial or Business	◆	◆
Service Shop, Personal	◆	
Small Batch Brewery	◆	◆
Storage, Establishment		◆
Studio	◆	
Transportation Depot/Terminal		◆
Warehouse		◆
Wholesale Outlet	◆	◆
Workshop	◆	

3.4.1 TRADE AND INDUSTRY ONE ZONE (E1)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Trade and Industry One Zone (E1) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

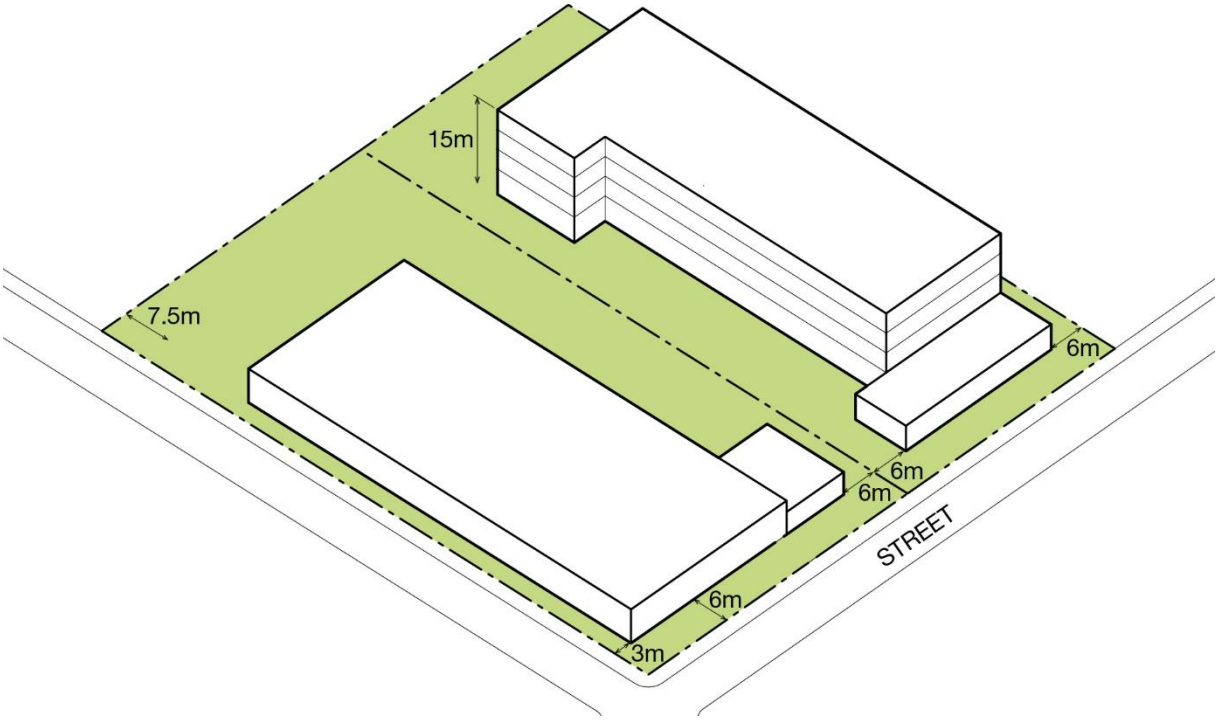
DESCRIPTION	ZONE PROVISIONS	E1	
The Trade and Industry One (E1) zone is intended to accommodate a wide range of service and business uses to support employment and drive economic development in the Town of Hawkesbury. These uses are generally smaller-scale uses which operate in a business park environment. Large-scale uses, or uses which are likely to generate noise, fumes, odours or other similar impacts, are more appropriately located within the E2 zone.	**Frontage (min)**	No minimum	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	6 m	
	Exterior Side Yard (ESY)	6 m	6 m
	Interior Side Yard (ISY)	6 m	6 m
	Rear Yard (R)	7.5 m	10 m
	Lot Coverage (max)	60%	
	Landscaped Area (min)	10%	
	Building Height (max)	15 m	

NOTES AND ADDITIONAL PROVISIONS:

1. Notwithstanding the permitted uses listed in section 3.10, additional uses not specifically identified as permitted uses may be developed provided that the use will contribute to the Town's employment base and provided that the conditions described in section 3.4.2.2 of the Hawkesbury Official Plan have been addressed to the satisfaction of Council.
2. Where new uses are proposed a site specific zoning by-law amendment will be required.

All uses in the Trade and Industry Zones shall be subject to site plan control

EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



3.4.2 TRADE AND INDUSTRY TWO ZONE (E2)

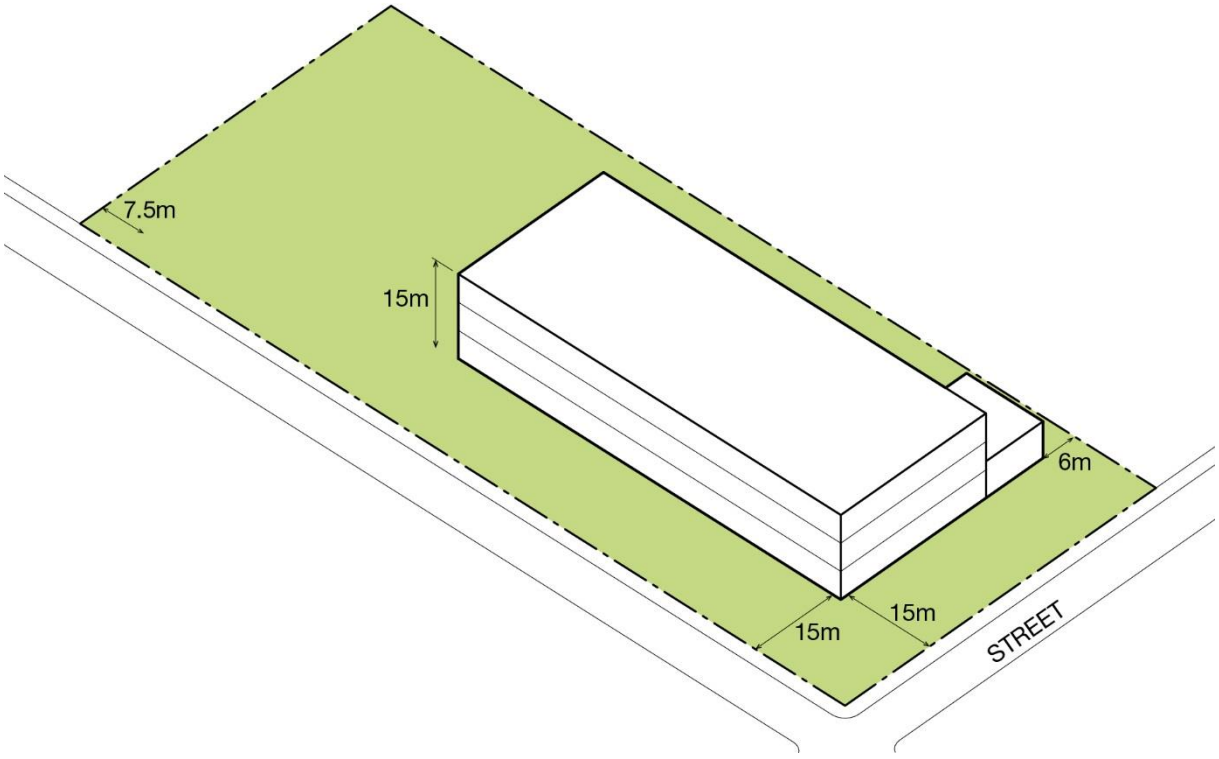
No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Trade and Industry Two Zone (E2) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	E1	
The Trade and Industry Two (E2) zone is intended to accommodate industrial uses, including those which, by their nature, generate undesirable impacts on sensitive areas such as noise, fumes, odours. These generally include heavy industrial uses which are more appropriately located together so as to limit impacts on other areas of the Town. Uses that are generally compatible with industrial uses, such as a retail outlet to a factory, are also permitted.	**Frontage (min)**	No minimum	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	15 m	
	Exterior Side Yard (ESY)	15 m	15 m
	Interior Side Yard (ISY)	6 m	6 m
	Rear Yard (R)	7.5 m	10 m
	Lot Coverage (max)	60%	
	Landscaped Area (min)	10%	
	Building Height (max)	15 m	

NOTES AND ADDITIONAL PROVISIONS:

1. All uses in the Trade and Industry Zone 2 shall be subject to site plan control
2. A minimum 15 m front yard setback is required where lots front on County Road 17
3. Notwithstanding the Front Yard setback requirement stated above, on the property known as 1270 Aberdeen Street, the Front Yard setback may be reduced from 15 metres to 7.4 metres.

EXAMPLE SITE LAYOUT PERSPECTIVE VIEW



3.5 COMMERCIAL ZONES

- Community Core (CC)
- Regional Commercial (CR)
- Highway Commercial (CH)
- Local Commercial (CL)

PERMITTED USES	CC	CR	CH	CL
Animal clinic			◆	
Antique Store	◆		◆	
Arcade	◆		◆	◆
Art Gallery	◆			
Artisan's Studio	◆			
Assembly Hall	◆			
Auction House	◆			
Automobile Body Shop			◆	
Automobile Gas Bar		◆		
Automobile Rental			◆	
Automobile Sales		◆	◆	
Automobile Service Station			◆	
Automobile Washing Establishment			◆	
Bakery	◆		◆	◆
Bakeshop	◆		◆	◆
Bank	◆	◆	◆	◆
Bed and Breakfast	◆			
Building Contractor's Shop			◆	
Building Supply Outlet		◆	◆	
Business Office	◆	◆	◆	◆
Butcher Shop	◆		◆	◆
Catalogue Store	◆		◆	◆
Catering Establishment			◆	
Church	◆			
Commercial Greenhouse			◆	
Commercial Sports and Recreation Centre	◆	◆	◆	
Commercial Storage			◆	
Community Centre	◆			
Contractor or Trade Establishment			◆	
Convenience Store	◆		◆	◆

Custom Workshop			◆	
Day Nursery, Private	◆		◆	◆
Day Nursery, Licensed	◆		◆	◆
Department Store		◆		
Drive-In Or Drive-Through Facility	◆	◆	◆	◆
Dry Cleaning Distribution Station	◆		◆	◆
Equipment Rental Establishment			◆	
Equipment Sales Establishment			◆	
Equipment Service and Repair			◆	
Farm Supply and Machinery Sales and Service			◆	
Farm Implement Sales			◆	
Farmers Market	◆			
Financial Institution	◆	◆	◆	◆
Funeral Facilities	◆			◆
Garden Centre		◆	◆	
Health Retreat	◆			
Hotel	◆	◆	◆	
Laundromat	◆		◆	◆
Library	◆			
Local Commercial Uses	◆		◆	◆
Medical/Dental Office	◆	◆	◆	
Mini Warehouse and Public Storage			◆	
Motel	◆	◆	◆	
Museum	◆			
Office	◆		◆	◆
Outdoor Café	◆			◆
Pet Shop	◆	◆	◆	◆
Pharmacy	◆	◆	◆	◆
Printing Establishment			◆	
Private Club	◆			
Consumer Outlet Propane/Compressed Natural Gas Facility			◆	
Recreational Vehicle Sales		◆	◆	
Restaurant	◆	◆	◆	◆
Restaurant, Take-Out	◆	◆	◆	◆
Retail Factory Outlet		◆		
Retail Large Format		◆		

Retail Store	◆	◆	◆	◆
School, Commercial	◆			◆
School, Private	◆		◆	◆
Secondhand Shop	◆		◆	
Service or Repair Establishment	◆			◆
Shopping Centre	◆		◆	
Studio	◆			
Supermarket	◆	◆	◆	
Theatre, Cinema	◆	◆		
Video Rental Outlet	◆		◆	◆
Welding Shop			◆	
Workshop			◆	

PERMITTED RESIDENTIAL USES				
Dwelling unit in a non-residential building	◆			◆
Dwelling Apartment	◆			
Converted Dwelling	◆			◆
Dwelling – Existing, all types	◆		◆	

3.5.1 COMMUNITY CORE COMMERCIAL ZONE (CC)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Community Core Commercial Zone (CC) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	CC	
The Community Core Commercial (CC) zone is the heart of the Town of Hawkesbury. While it is primarily a commercial zone to support the economy of the Town, residential, cultural and entertainment uses are also permitted so as to development a community core that is active, pedestrian-oriented, accessible and desirable.	**Frontage (min)**	No minimum	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	No minimum	
	Exterior Side Yard (ESY)	No minimum	
	Interior Side Yard (ISY)	No minimum	3 m
	Rear Yard (R)	No minimum	7.5 m
	Lot Coverage (max)	No maximum	
	Landscaped Area (min)	No minimum	
	Building Height (max)	33.5 m	

NOTES AND ADDITIONAL PROVISIONS:

1. Notwithstanding the list of permitted uses in 3.12, a Farmers Market shall only be permitted in the area of the Community Core Commercial Zone known as Place des Pionniers
2. Where a residential dwelling unit or an accessory dwelling is located in a non-residential building, the following additional provisions shall apply:

    i. Landscaped open space (minimum) - 10 m^2 per unit
    ii. The minimum landscaped open space provision shall not apply to dwelling units in a portion of Non-Residential building provided that all dwelling units have access to a private balcony or to an open roof deck with an area of not less than 5 m^2 per unit.
    iii. Maximum density: 1 unit per 92 m^2 of lot area

3. Existing dwellings not located in a non-residential building shall be regulated by the standards of section 3.1
4. Notwithstanding the provisions of section 2.30, the number of required parking spaces for non-residential uses may be reduced by 50% in the CC zone.
5. Notwithstanding the permitted uses in Section 3.5, new converted dwellings are not permitted on the portion of Main Street from McGill Street to John St.

3.5.2 REGIONAL COMMERCIAL (CR)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Regional Commercial Zone (CR) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	CR	
The Regional Commercial (CR) zone is intended to accommodate a broad range of commercial development which serves Hawkesbury and the surrounding region. This includes large-format retail stores and commercial plazas. These uses are generally located on larger lots which can accommodate associated parking and loading facilities. Smaller uses complementary to the larger commercial uses, such as banks and restaurants, are also permitted.	**Frontage (min)**	No minimum	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	6 m	
	Exterior Side Yard (ESY)	6 m	
	Interior Side Yard (ISY)	6 m	
	Rear Yard (R)	6 m	10 m
	Lot Coverage (max)	60%	
	Landscaped Area (min)	10%	
	Building Height (max)	15 m	

NOTES AND ADDITIONAL PROVISIONS:

1. All uses in the Regional Commercial Zone shall be subject to site plan control
2. A minimum 15 m front yard setback is required where lots front on county road 17
3. Recreational Vehicle and Automotive Sale uses in the Regional Commercial Zone shall be limited to a maximum building area of 1300 square meters.

3.5.3 HIGHWAY COMMERCIAL (CH)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Highway Commercial Zone (CH) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	CH	
The Highway Commercial (CH) zone is intended to accommodate a wide range of commercial uses located in proximity to a provincial highway or county road. These uses include a range of commercial uses, as well as vehicle-oriented uses that serve the larger region such as sales, rentals and farm supply stores. T	**Frontage (min)**	30 m	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	6 m	
	Exterior Side Yard (ESY)	6 m	
	Interior Side Yard (ISY)	3 m	6 m
	Rear Yard (R)	7.5 m	
	Lot Coverage (max)	40%	
	Landscaped Area (min)	10%	
	Building Height (max)	11 m	

NOTES AND ADDITIONAL PROVISIONS:

1. No portion of any fuel pump island shall be located closer than 6 metres to any lot line or within a sight triangle
2. The open storage of goods or materials shall be permitted only to the rear of the main building provided that:

    i. such open storage is accessory to the use of the main building;
    ii. such open storage complies with the yard requirements of this by-law; and
    iii. such open storage does not cover more than 40% of the lot area.

3.5.4 LOCAL COMMERCIAL (CL)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Local Commercial Zone (CL) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	CL	
The Local Commercial (CL) zone is intended to accommodate a variety of small, locally-oriented convenience and service uses to serve the residents of the surrounding area. The CL zone also permits some residential uses to promote small-scale mixed-use development compatible with the scale and uses of the surrounding area.	**Frontage (min)**	15 m	
	Lot Area (min)	No minimum	
	Setbacks (min)		Where abutting Residential Zones
	Front (F)	6 m	
	Exterior Side Yard (ESY)	6 m	
	Interior Side Yard (ISY)	1.2 m	3 m
	Rear Yard (R)	6 m	7.5
	Lot Coverage (max)	40%	
	Landscaped Area (min)	10%	
	Building Height (max)	11 m	

NOTES AND ADDITIONAL PROVISIONS:

1. Open storage shall be prohibited

3.6 OPEN SPACE ZONE (OS)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in an Open Space Zone (OS) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	OS
The intent of the Open Space (OS) zone is to permit uses which are compatible with the open space nature of these lands. Uses which support and enhance the use of greenspace are desirable and appropriate.	**Frontage (min)**	No minimum
	Lot Area (min)	No minimum
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	6 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

NOTES AND ADDITIONAL PROVISIONS:

1. Open storage shall be prohibited

PERMITTED USES	PROVISIONS
Accessory Restaurant	
Accessory Restaurant, Take-Out	
Accessory Retail Store	
Community Centre	
Conservation uses	
Golf Course	
Marina	
Marine Facility	
Park, Public	
School (Town of Hawkesbury By-law 131-96, December 23, 1996)	
Accessory Uses	Section 0

3.7 HAZARD ZONE (H)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in a Hazard Zone (H) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	H
	Frontage (min)	No minimum
	Lot Area (min)	No minimum
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	11 m

NOTES AND ADDITIONAL PROVISIONS:

1. No buildings or structures other than accessory buildings shall be permitted in the Hazard Overlay Zone except in accordance with Conservation Authority regulations. Where accessory buildings are permitted such buildings shall not be used for human habitation or for the provision of retail or commercial services. Where such buildings are located in a Hazard Zone which is in a floodplain, such buildings shall not affect the hydrology or hydraulic characteristics of the floodplain.

PERMITTED USES	PROVISIONS
Conservation	
Existing Use	
Marina	
Marine Facility	
Park, Private	
Park, Public	
Golf Course	
Uses permitted in underlying zone where applicable	As per underlying zone
Accessory Uses	Section

3.8 INSTITUTIONAL ZONE (I)

No person shall hereafter use any lands, nor erect, alter, enlarge or use any building or structure in an Institutional Zone (I) except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

DESCRIPTION	ZONE PROVISIONS	I
	Frontage (min)	No minimum
	Lot Area (min)	No minimum
	Setbacks (min)	
	Front (F)	6 m
	Exterior Side Yard (ESY)	6 m
	Interior Side Yard (ISY)	6 m
	Rear Yard (R)	7.5 m
	Lot Coverage (max)	40%
	Landscaped Area (min)	30%
	Building Height (max)	14 m

PERMITTED USES	PROVISIONS
Accessory uses such as Office, Restaurant and Retail Store	
Assembly Hall	
Community Centre	
Home for the Aged	
Hospital	
Institution	
Institutional Use	
Long Term Care Establishment	
Place of Worship	
Medical Clinic	
Nursing Home	
Public Use	
Religious Institution	
School	
Accessory Uses	Section

4.0 DEFINITIONS

For the purposes 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”.

ABATTOIR

Means a building or premises wherein animals are slaughtered, and processed for packaging, distribution and resale.

ABUTTING

Means two or more parcels of land sharing a common boundary of at least one point.

ACCESSORY

Means a use, building or structure subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith, and when applied to buildings or structures, also means a building or structure separate from the main building on the same lot otherwise provided for in this By-law.

ACCESSORY APARTMENT (SEE DWELLING, ACCESSORY APARTMENT)

ACCESSORY DWELLING HOUSE (SEE DWELLING HOUSE, ACCESSORY)

ACCESSORY USE (SEE USE, ACCESSORY)

ADULT ENTERTAINMENT PARLOUR

Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations but shall not include a retail store which sells adult goods and novelties.

ADVERSE IMPACTS

Means one or more of the following:

1. Impairment of the quality of the natural environment for any use that can be made of it;
2. Injury or damage to property or plant and animal life;
3. Harm or material discomfort to any person;
4. An adverse effect on the health of any person;
5. Impairment of the safety of any person;
6. Rendering any property or plant or animal life unfit for use by humans;
7. Loss of enjoyment of normal use of property; and
8. Interference with normal conduct of business.

AGRICULTURAL USE

Any building use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.

AISLE

Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking of vehicles.

ALTER

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

1. To change any one or more of the external dimensions of such building or structure; or
2. To change the type of construction of the exterior walls or roof of such building or structures; or
3. To change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

1. To change the boundary of such lot with respect to a street or lane; or
2. To change the grade and drainage pattern of such lot; or
3. To change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline means:

4. To change, straighten, divert or interfere in any way with the channel of any watercourse.

AMBULANCE SERVICE

Means an ambulance service which is licensed by the Ministry of Health in accordance with the Ambulance Act.

ANIMAL CARE

Means caring and grooming of domestic animals, excluding overnight care or accommodation, and shall not include an animal clinic.

ANIMAL CLINIC

Means a building or part of a building used by veterinarians, their staff and their patients to provide grooming, medical, or surgical treatments or similar services and includes overnight care or accommodation.

ANTIQUE STORE

Means any building used for the sale of any old and authentic objects of personal property.

APARTMENT DWELLING (SEE DWELLING, APARTMENT)

ARCADE

Means a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games.

Notwithstanding the foregoing, an arcade shall not include a building or a portion of a building or premises used or intended to be used for billiards or pool games, video or pinball games or other similar games where the use is clearly subordinate to the principle trade of the enterprise. Such exception shall include but not be limited to a restaurant, beverage room or tavern where the revenue generated from the arcade represents less than 10% of the total gross receipts.

AREA (SEE LOT, AREA)

ARENA

Means an enclosed area designed for sporting events or activities.

ART GALLERY

Means the use of land, buildings or structures for the commercial exhibition or retail sale of paintings, sculptures or other works of art or hand-made crafts.

ARTISAN'S STUDIO

Means the use of land, buildings or structures for the creation, finishing, refinishing or similar production of paintings, sculptures or other works of arts or hand-made crafts by the proprietor, together with the sale of such commodities, but does not include any use otherwise defined in this By-Law.

ASSEMBLY HALL

Means a building or part of a building in which facilities are provided for civic, educational, political, religious, fraternal or social purposes and shall include a banquet hall or private club.

ASSEMBLY PLANT

Means a building where goods are assembled and distributed.

ATTACHED

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

ATTIC

Means the portion of a building situated wholly or in part within the roof and which is not a half storey.

AUCTION HOUSE

Means premises used for the storage and/or display of goods or materials which are to be sold on the premises by auction.

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 assemble hall, arena, community centre, gymnasium, stadium, theatre or similar use.

AUTOMOBILE BODY SHOP

Means a building or structure used for complete motor vehicle repairs to bodies, frames or motors and/or painting, upholstering and/or complete collision work, but shall not include a wrecking or salvage yard.

AUTOMOBILE CARE

Means a building or a portion of a building where mufflers, glass, tires or other similar minor parts and items are offered for sale and installation on motor vehicles.

AUTOMOBILE GAS BAR

Means a building and/or structure including fuel pump islands where gasoline and/or oil is kept for sale with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, and which may include a convenience store, but where no servicing, repair or equipping of motor vehicles is carried on.

AUTOMOBILE RENTAL

Means a parking space or parking lot and/or a building or part thereof where motor vehicles are rented or kept or used for rental purposes.

AUTOMOBILE SALES

Means a building and lot where motor vehicles, as defined by the Highway Traffic Act, are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair on motor vehicles, including service centre, service bays, body shop, storage of parts, etc.

AUTOMOBILE SERVICE STATION

Means a building and/or structure where retail goods including gasoline, oil, grease, antifreeze, tires, sparkplugs, batteries and other automobile accessories may be sold incidentally and where minor or running repairs essential to the operation of motor vehicles are executed or performed, but shall not include any other use otherwise defined herein.

AUTOMOBILE WASHING ESTABLISHMENT

Means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by self-service operation.

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.

BAKERY

Means a building or portion of a building wherein baked foods are produced and processed for packaging, distribution and wholesale. A bakeshop is a permitted accessory use in a bakery.

BAKESHOP

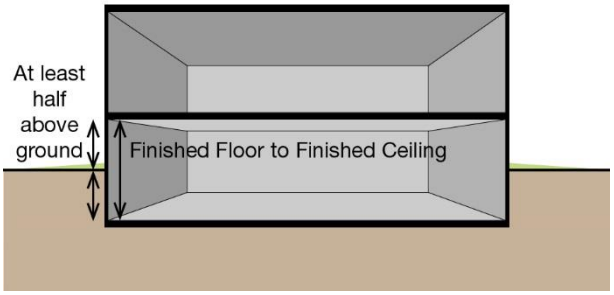
Means a building or portion of a building where baked foods are made for retail sale on the premises.

BANK

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

BASEMENT

Means a portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the adjacent finished grade.



BED AND BREAKFAST

Means an owner occupied private residential single dwelling that is owner's principal residence and in which the owner has control of the environment. It provides temporary accommodations not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.

BOARDING/ROOMING DWELLING HOUSE (SEE DWELLING HOUSE, BOARDING/ ROOMING)

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 establishment otherwise classified or defined in this By-Law.

BOAT HOUSE

Means an accessory building used for the purpose of berthing or sheltering and storing boats and related equipment that is enclosed by more than one wall and is built, founded or anchored near or at the ordinary water's edge of a navigable waterway either over water or on the land.

BOAT OR RECREATIONAL VEHICLE ESTABLISHMENT

Means the use of land, buildings or structures for the display, sale, repair, storage or hire of boats, recreational vehicles, snowmobiles or all-terrain vehicles, and may include the sale of fuel or goods related to the running of such boats or vehicles.

BOAT SLIP – SEASONAL

Shall mean a mooring space that is provided for the use of a boat for a period of greater than seven consecutive days.

BOAT SLIP – TRANSIENT

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by boat which is moored in the said space for a maximum of seven consecutive days.

BUFFER

Means a portion of a lot where vegetation is substantially maintained in its natural state or vegetation is planted, or a fence or barrier is erected for the purpose of obscuring or screening buildings, structures, parking or activity on a lot.

BUFFER, SHORELINE

Means a natural area, adjacent to a shoreline, maintained in its natural predevelopment state for the purpose of protecting natural habitat and minimizing the visual impact of buildings and structures on a lot.

BUILDING

Means any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence.

BUILDING/ACCESSORY

Means a subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

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 pen loading platforms, balconies and garages.

BUILDING BY-LAW

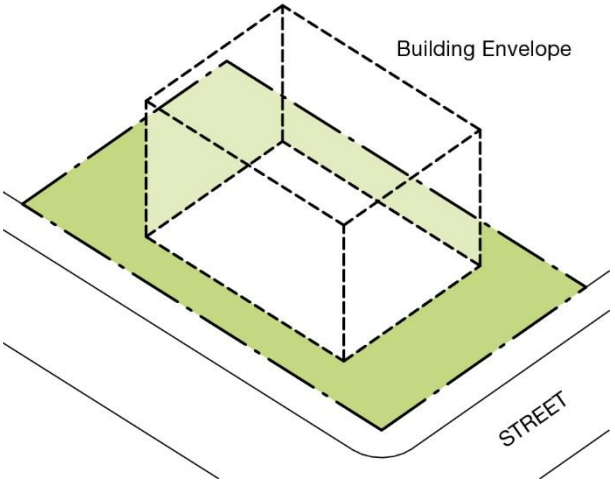
Means any By-Law of the Corporation passed pursuant to the Building Code Act.

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. 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.

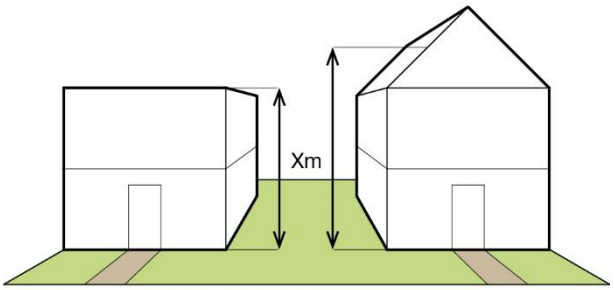
BUILDING ENVELOPE

The three dimensional space within which a structure is permitted to be built on a lot as defined by the other standards of this by-law including height, yards and building coverage.



BUILDING HEIGHT

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



BUILDING INSPECTOR

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

BUILDING LINE

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

BUILDING, MAIN

Means a building designed and used for the principal use on the lot.

BUILDING SEPARATION

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

BUILDING OFFICIAL (SEE CHIEF BUILDING OFFICIAL)

BUILDING SUPPLY OUTLET

Means a building, structure or place where building supplies including lumber, siding, roofing, plumbing, electrical, heating, air conditioning and similar items are kept for display and/or sale and may include the assembly and/or finishing of the items and contracting the construction or installation of the items.

BUILDING, TEMPORARY

Means a building or structure intended for removal or demolition within a prescribed time not exceeding six months or as set out in a building permit.

BULK STORAGE

Means the use of land, structures and/or buildings for the purpose of storing and selling coal, fuel oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

BULK STORAGE, PROPANE (SEE PROPANE, BULK STORAGE DEPOT)

BUSINESS OFFICE (SEE OFFICE)

BUTCHER SHOP

Means a building or portion of a building where animals, poultry and/or fish are processed and packaged for retail sale on the premises, but shall not include an abattoir.

CAMPGROUND

Means an area of land, managed as a unit, providing short term accommodation for tents, recreational vehicles or campers for a set fee but shall not include mobile homes, park model trailers or a mobile home park.

CAMPUS FORM BUILDINGS

Means one or more buildings situated in a landscaped setting with shared amenities and features.

CANOPY

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

CARPORT

Means a partially enclosed structure, which is attached to the main building and which is used primarily for the storage of one or more motor vehicles and in which no business, occupation or service is conducted for profit.

CATERING ESTABLISHMENT

Means an establishment in which meals and beverages are prepared to be served for consumption off the premises.

CELLAR

Means that portion of a building between two floor levels which has more than one-half of its height from finished floor to finished ceiling below the adjacent finished grade.

CHIEF BUILDING OFFICIAL

Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act and similar by-laws of the Corporation.

CHURCH

Means a building dedicated to religious worship. Permitted accessory uses may include a church or parish hall, rectory, Sunday School and licensed day nursery.

CLINIC, ANIMAL (SEE ANIMAL CLINIC)

CLINIC, MEDICAL (SEE MEDICAL CLINIC)

CLUSTER DEVELOPMENT

Means a group of single detached dwellings, each located on an individual lot or unit and some communal lands.

COMMERCIAL CLUB (SEE COMMERCIAL SPORTS AND RECREATION CENTRE)

COMMERCIAL GREENHOUSE

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

COMMERCIAL SCHOOL (SEE SCHOOL, COMMERCIAL)

COMMERCIAL SPORTS AND RECREATION CENTRE

Means an athletic, recreational or social club operated for gain or profit or for the private use of members.

COMMERCIAL STORAGE

Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

COMMERCIAL VEHICLE

Means a motor vehicle used for commercial trade and whose size, weight and/or number of axles is inconsistent with vehicles designed for the primary purpose of transporting a small number of persons and without limiting the foregoing includes delivery vehicles, motor buses, farm tractors, transport tractor trailers and large single or multiple axle trucks.

COMMUNICATION FACILITY

Means any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station or tower.

COMMUNITY CENTRE

Means any land, building and/or structure that is used for community activities, whether used for commercial purposes or not, the control of which is

vested in the corporation, a local board or agent thereof.

COMMUNITY GARDEN

A communal garden provided for the sole use of or consumption by the individual or individuals working the garden.

CONDOMINIUM

Means a building or multiple unit development 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.

CONSERVATION

Means the maintenance of the natural environment for the purposes of preservation, research, observation and outdoor uses such as hiking and fishing. This definition may include the construction and use of trail shelters and other similar structures ancillary to the foregoing uses, but shall not include the use of a dwelling house, a mobile home or a tourist vehicle.

CONSUMER OUTLET PROPANE/COMPRESSED NATURAL GAS FACILITY

Means a non-retail facility licensed under the Energy Act, R.S.O., where vehicles, appliance and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and natural gas).

CONTRACTOR OR TRADE ESTABLISHMENT

Means a building or part of a building where mechanical, electrical, structural, plumbing or like contractors conduct their businesses, whether in conjunction with a retail store or not, and may include offices, display areas and storage areas, but shall not include open storage.

CONVENIENCE STORE

Means a building or part of a building limited to a maximum area of 400 m^2, wherein convenience commercial goods and foodstuff, which serve the day-to-day needs of local residents are offered for sale.

CONVERTED DWELLING HOUSE: (SEE DWELLING HOUSE, CONVERTED)

CORNER LOT: (SEE LOT, CORNER)

CORPORATION

Means the Corporation of the Town of Hawkesbury.

COUNCIL

Means the Council of the Corporation of the Town of Hawkesbury

COUNTIES OR COUNTY

Means the Corporation of the United Counties of Prescott ad Russell

COVERAGE: (SEE LOT, COVERAGE)

CUSTOM WORKSHOP

Means a building or part of a building where individual custom productions such as drapes, venetian blinds, handmade leather goods, orthopedic and prosthetic appliances, weaving, awnings and other non-offensive, non-dangerous custom production is carried out, but does not include any factory production or any shop or factory otherwise classified or defined in this by-law. A custom workshop may include an accessory retail use up to 25% of the gross leasable floor area.

DAIRY PLANT

Means a building or portion of a building where dairy products are produced and processed for packaging, distribution and resale off premises. A dairy may include an accessory retail and use up to 25% of gross leasable floor area.

DAY NURSERY, PRIVATE

Means a dwelling in which the owner or tenant conducts a home occupation by providing temporary care, supervision and board for less than 5 children who are not of common parentage.

DAY NURSERY, LICENSED

Means a building or part of a building in which temporary care, supervision and/or board for more than 5 children who are not of common parentage is provided and which is licensed under the Day Nurseries Act.

DECK

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

DENSITY

Means the ratio of the number of the dwelling units to the lot area.

DEPARTMENT STORE

Means a building or part of a building wherein various goods, wares, merchandise, substances or articles are offered for retail sale directly to the public in various parts of such building and may include storage for such goods, wares, merchandise, substances, or articles.

DEPTH: (SEE LOT, DEPTH)

DETACHED

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

DEVELOPMENT

Means the construction, erection or placing of one or more buildings or structures on land or, the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability or, the laying out and establishment of a parking lot or, the removal of vegetation.

DIAMETER AT BREAST HEIGHT (DBH)

"DBH" or "diameter at breast height" means the measurement of a trunk of a tree at a height of one hundred and twenty (120) cm for trees of fifteen (15) cm diameter or greater, and at a height of thirty (30) cm for trees of less than fifteen (15) cm diameter.

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.

DOCK, FLOATING

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

DOCK, PERMANENT

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

DRAINAGE

Means the movement of water, whether by way of the natural characteristics of the ground surface or by an artificial method.

DRIVE-IN OR DRIVE-THROUGH FACILITY

Means an establishment providing attendant services at drive-up windows for patrons in motor vehicles. (Town of Hawkesbury By-law 19-2003, April 28, 2003)

DRIVEWAY

Means the area between the traveled portion of a street and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an aisle. A driveway on a residential lot may be used as one or more parking spaces, excluding the required parking spaces, where specifically permitted herein.

DRY CLEANING DISTRIBUTION STATION

Means a building or part of a building used for receiving clothing articles, or fabric goods to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process, and may include on-site dry cleaning, dry dyeing, cleaning or pressing of personal clothing or household articles.

DRY CLEANING PLANT

Means a building or part of a building in which the business of dry cleaning, dry dyeing, cleaning or pressing of clothing articles or fabric goods is carried on.

DWELLING

Means a building occupied or capable of being occupied exclusively as a home or residence by one or more people, but shall not include hotels, motels, mobile homes, motor homes, caravans, travel trailers, boarding or lodging houses, group homes, group residences, crisis residences, or other institutions licensed or approved under any provincial or federal legislation.

DWELLING – APARTMENT

Means a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or trhough a common inside area. A building that was originally constructred as a deteched house, semi-detached house or townhouse and has one or more secondary dwelling units is not an apartment building.

DWELLING, CONVERTED

Means a building originally designed as a single detached dwelling or a building type other than a **dwelling – apartment,**which has been altered or converted so as to provide therein not more than four dwelling units, with or without separate entrances, none of which shall be located in the cellar of the dwelling but which may be located in the basement.

DWELLING – DUPLEX

Means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

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.

DWELLING - SECONDARY UNIT

Mean a separate dwelling unit dwelling that is located in a single-detached, semi-detached or townhouse dwelling that does not occupy the whole of a storey within the dwelling, and that shares the dwelling ‘s entrance, parking area and private amenity area.

DWELLING – SEMI-DETACHED

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

DWELLING - SINGLE-DETACHED

Means a residential building that is detached and permanent and which contains a single dwelling unit.

DWELLING – TOWNHOUSE

Means a dwelling divided vertically into 3 or more dwelling units, each of which has independent entrances to front and rear privacy yards.

1. Street Townhouse: means a townhouse dwelling house that abuts a street and is designed as an independent dwelling unit for freehold occupancy.
2. Planned Unit Townhouse: means a townhouse dwelling house, which forms part of a group of such dwellings and that shares common facilities with the other dwellings such as access to a public road, parking facilities, open space, recreation areas, and is designed as an integral part of a complex for condominium, cooperative and/or rental occupancy.

DWELLING – TRIPLEX

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

DWELLING UNIT

Means a suite of two or more habitable rooms designed to be used and occupied by not more than one household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from a common hallway or stairway inside the building.

DWELLING UNIT – ACCESSORY

Means a dwelling unit which is part of and accessory to a permitted non-residential building other than an automobile service station or commercial garage.

EASEMENT

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

EMERGENCY SERVICES

Means a building or structure used for the purposes of supporting the provision of municipal fire protection services, police services or ambulance services and which can include sleeping and dining facilities for personnel, vehicle storage, maintenance and repair facilities and office space.

EQUIPMENT RENTAL ESTABLISHMENT

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

EQUIPMENT SALES ESTABLISHMENT

Means a building or part of a building where machinery, equipment, furniture, fixtures and other goods of a size and type which would be used for home improvement, household purposes, agricultural, business, and industrial or similar non-household oriented rental functions.

EQUIPMENT SERVICE AND REPAIR

Means a building or part of building used for the servicing or repairing of articles, goods and materials but no does not include the manufacturing or motor vehicle repair.

ERECT

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

ESTABLISHED BUILDING LINE

Means the average setback from the street line of existing buildings on one side of a continuous 100 metres (324 feet) strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon and can also be referred to as median setback.

EXISTING

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

EXISTING USE

Means the purpose for which any land, building, structure or combination thereof is designed, arranged, occupied or maintained as of the date of the passing of this by-law.

EXTERIOR SIDE LOT LINE: (SEE LOT LINE)

EXTERIOR SIDE YARD: (SEE YARD)

EXISTING VEGETATION

Means the plant materials growing upon any lands prior to the erection, alteration or enlargement of any buildings or structures thereon.

FABRICATING PLANT : SEE ASSEMBLY PLANT

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.

FARM SUPPLY AND MACHINERY SALES AND SERVICE

Means a building or part of a building where the sale, storage or repair of equipment and machinery directly associated with the operation of a farm.

FARM IMPLEMENT SALES

Means a building and/or lot where new and/or used farm implements are kept for display, sale and/or rental. Accessory uses may include those normally required for performing maintenance on and repair of farm implements, including service centres, service bays, storage of farm implement parts, etc.

FARM SUPPLIES DEALERSHIP

Means a building wherein farm supplies which may include feed, seed, agricultural chemicals, hardware, farm working apparel, etc. may be sold or rented.

FARMERS MARKET

Means a place where individual vendors operating from stalls, booth or other defined areas offer for sale to the general public articles for consumption such as fresh fruits and vegetables, honey, maple syrup and cider, flowers and arts and crafts. A farmers market may be located either in a building or in the open air.

FENCE

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

FILL LINE

Means the line which delineates the boundary of the lands which are subject to the Fill, Construction and Alteration to Waterways Regulations.

FINANCIAL INSTITUTION

Means a building or part of a building in which a bank, trust company, finance company, mortgage company or investment company is located.

FINISHED GRADE

Means the average elevation of the finished surface of the ground. A ground level measured on any side of a building or structure.

FINANCIAL OFFICE

Means the premises of a bank, trust company, finance company, mortgage company, or investment company.

FISH HABITAT

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

FLEA MARKET

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

FLOOD PROOFING

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

FLOODLINE OR FLOOD ELEVATION

Means a line established by a one in one hundred year storm as established by flood plain mapping or by the South Nation Conservation or the Ministry of Natural resources.

FLOODPLAIN

Means the area below the one in one hundred year flood line as established by the conservation Authority, Ministry of Natural Resources, or other designated authority.

FLOOR AREA – GROSS

Means the space on any storey of a building between the exterior walls and required firewalls, including the space occupied be interior walls and partitions, but not including *exits, vertical service space* and their enclosing assemblies. (ref. OBC)

FLOOR AREA – NET

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

FOOTPRINT

Means the floor area of a building or structure, measured at grade on a horizontal plane, to the outside edge of walls, or posts in the case of an unenclosed structure, and includes the furthest extent of a deck or a dock.

FINISHED GRADE: (SEE GRADE, FINISHED)

FRONTAGE, ROAD

Means the horizontal straight-line distance determined as follows:

1. Where a lot abuts a road, the distance between the side lot lines measured along a line that is parallel to the road at a distance equal to the minimum front yard setback; or
2. In the case of a through lot or corner lot where a lot abuts a road or roads in more than one location the distance measured along the front lot line where it abuts the road, or
3. In the case of a shoreline lot where a lot abuts a road or roads in more than one location, the distance measured along the rear lot line where it abuts the road; or
4. Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the front lot line and any point on the rear lot line.

FRONTAGE, WATER

Means the horizontal straight-line distance determined as follows:

1. Where the lot abuts a shoreline or a closed shore road allowance or is within a navigable waterway, water frontage is the distance measured along the shortest line joining the point where one side lot line or a projection thereof intersects the shoreline and the opposite side lot line or a projection thereof: or
2. Where the lot abuts a shore road allowance that has not been closed, is the distance along the shortest line joining the points where the side lot lines intersect the inner limit of the shore road allowance; or
3. Where there are no side lot lines, such as in the case of a peninsula, the greatest distance between any point on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance and any point on the rear lot line, or
4. Where there are no inside or rear lot lines, such as in the case of an island, the greatest horizontal straight-line distance measured between any two points on the shoreline, or in the case where the shore road allowance has not been closed, the inner limit of the shore road allowance.

FUEL DEPOT

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

FUEL PUMP ISLAND

Means a structure on a lot of an automobile gas bar or automobile service station where the fuel pumps are located.

FULL DRAWING SET

Means the set of plans that is required by this by-law to review and be submitted with any development proposal.

FUNERAL ESTABLISHMENT

Means a building used for the preparation of deceased human bodies for interment or cremation, for the viewing of deceased persons, and for the holding of funeral services.

GARAGE, PARKING

Means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers.

GARAGE, ATTACHED

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

GARAGE, DETACHED

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

GARDEN CENTRE

Means the use of land, buildings or structures, or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

GAS CYLINDER HANDLING FACILITY

Means a facility licensed under the Energy Act, R.S.O., where bottled gases are handled and stored in cylinders and where there is no element of transfer.

GOLF COURSE

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course and accessory uses, such as a clubhouse facility and pro-shop, but does not include driving ranges, miniature courses and similar uses.

GOLF DRIVING RANGE

Means an open-air recreation facility where golf is practiced from individual tees and which may include accessory structures for the management and operation of the range, and a miniature golf course, but not a golf course.

GRADE, FINISHED

When used with reference to a building, means the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment, and when used with reference to a street means the elevation of the street established by the Corporation or other designated authority.

GREENHOUSE

Means a commercial building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools, etc. This definition shall not include any premises for the growing of mushrooms.

GROUP HOME

Means a single housekeeping unit in a residential dwelling 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.

HABITABLE ROOM

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

HEALTH RETREAT

Means a building or part thereof wherein the business of a respite care, relaxation and rejuvenation is undertaken. Without limiting the generality of this type of use, such services as a business office, therapeutic massage, health and food counseling and therapy, may be located therein.

HEIGHT

Means the vertical distance measured from the average elevation of the finished grade adjacent to a building or structure, or for a structure partially or entirely on or over the water, from the elevation of the ordinary water's edge, to:

1. The highest point of the surface of a flat roof or of the surface of a structure, but excluding any railing;
2. Half the distance between the top of the highest load-bearing wall and the roof ridge of any sloped roof; or
3. 75% of the height of the roof ridge of an A-framed structure.

HERITAGE SITE

Means premises included in the Inventory of Heritage Properties, listed as being of historical, architectural, archeological or cultural heritage value or interest, or designated as such pursuant to the Ontario Heritage Act.

HEREAFTER

Means after the date of the passing of this By-Law.

HEREIN

Means in this By-Law, and shall not be limited to any particular section of this By-Law.

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 and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

HIGHWAY: (SEE STREET)

HOME FOR THE AGED

Means a building established and/or maintained by the Corporation under the Home for the Aged and Rest Home Act.

HOME OCCUPATION

Means an occupation conducted for gain or profit as an accessory use entirely within a dwelling unit or accessory building or both by an individual residing on the premises.

HOSPITAL

Means a public or private institution as defined under the Public Hospitals Act or under the Private Hospitals Act.

HOTEL

Means a building, or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the travelling or vacationing public by furnishing sleeping accommodation with or without kitchens, with or without supplying food, and may include meeting rooms, banquet halls, public dining rooms, and any premises licensed under the Liquor License Act and shall include a motel or motor inn but shall not include boarding/rooming dwelling houses, beverage rooms or apartment dwelling houses.

HOUSEKEEPING UNIT

Means a room or a suite of rooms within a tourist establishment that is designed to provide accommodation and is equipped with a kitchen. A housekeeping unit is not a dwelling unit.

HOUSEHOLD

Means the collection of all individuals normally resident in a dwelling unit.

HUMAN HABITATION

Means the use of a building or structure for living, sleeping, eating or for food preparation purposes.

INDUSTRIAL MALL

Means a building divided into a number of self-contained units which are occupied by uses which are permitted uses in an Industrial designation.

INDUSTRIAL MALL

Means a group of uses which are permitted uses in the Service Industrial (M1) or Restricted Industrial (M2) zones, and which are designed, developed, and managed as a unit in one or more buildings by a single owner or tenant or group of owners or tenants. (Town of Hawkesbury By-law 41-95, May 8, 1995) Add to permitted uses and discuss I MBI

INDUSTRIAL USES CLASS I INDUSTRY, LIGHT

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assemble, auto parts supply.

INDUSTRIAL USES CLASS II INDUSTRY, MEDIUM

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

INDUSTRIAL USES CLASS III INDUSTRY, HEAVY

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

INFRASTRUCTURE

Means physical structures that form the foundation for development including sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

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.

INSTITUTION

Means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular purpose. This definition may include a library, college, university, convent, monastery, public museum or similar use, but shall not include an assembly hall.

INTERIOR LOT: (SEE LOT)

INTERIOR SIDE YARD: (SEE YARD)

KENNEL

Means a building or a structure or part of a building or structure used for the breeding, raising and/or boarding of dogs or cats for personal use or for profit or gain.

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.

LOCAL COMMERCIAL USES

Means uses which provide retail and service commercial uses that serve the daily and weekly requirements and needs of the surrounding residential neighbourhoods.

LIBRARY

Means a public building or structure where books, newspapers, magazines and other audio-visual resources may be read, consulted or borrowed.

LAND

Means any ground, soil or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

LANDSCAPED OPEN SPACE

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; but does not include decks, parking areas, traffic aisles or driveways or ramps for vehicles.

LANDSCAPING

Means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the aesthetics of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LANE

Means a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces or from a lot to a public street; or

A subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open spaces and/or buildings.

LAUNDROMAT

Means a building or part of a building containing two or more washing and/or self-service dry-cleaning machines and/or dryers for use by the public which is operated for profit or gain.

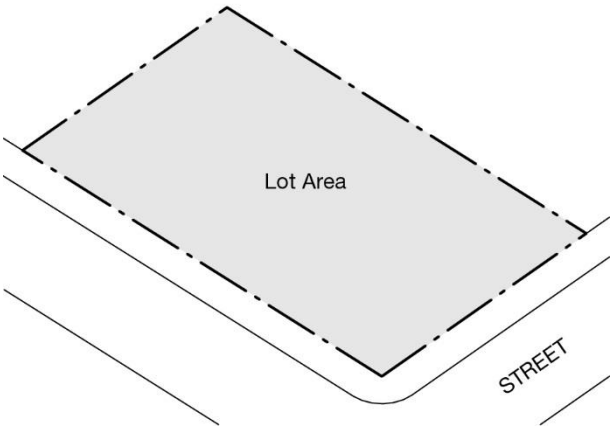
LOT

Means

1. A parcel of land the whole of which can be legally conveyed without approval pursuant to the Planning Act, and no part of which can be transferred without such an approval; and which is not described in a registered condominium description; or
2. Two or more parcels of land which are deemed to be one lot by this By-Law; or are required to be transferred together by an agreement made pursuant to the Planning Act; or
3. A parcel of land described as a whole registered description by the Condominium Act, except for a vacant land condominium, in which a unit is considered to be a lot, or
4. In the case of a resort commercial establishment that includes associated accommodation units within one or more condominium descriptions that share central management and resort amenities on one contiguous area of land, the entire land area of the resort commercial establishment is deemed to be one lot for the purpose of this By-Law.

LOT AREA

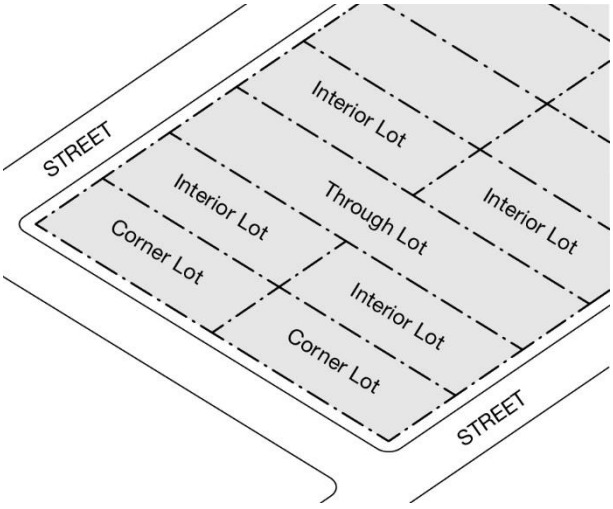
Means the total horizontal area measured within the limits of the lot lines of the lot.



LOT, CORNER

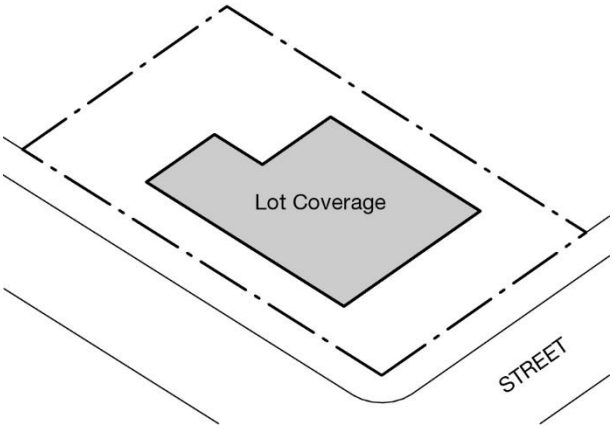
Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five degrees.

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.



LOT, COVERAGE

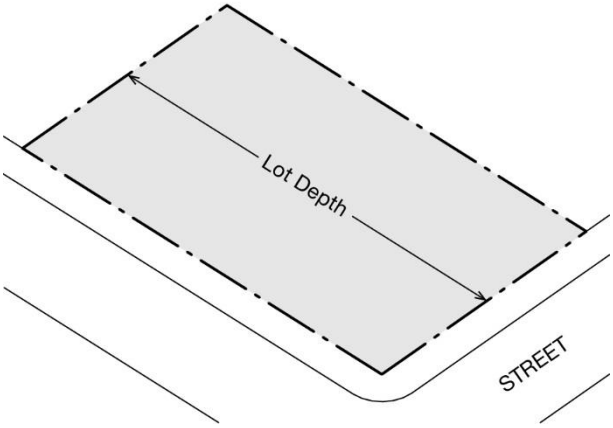
Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot excluding canopies, balconies, overhanging eaves and private open air swimming pools.



LOT, DEPTH

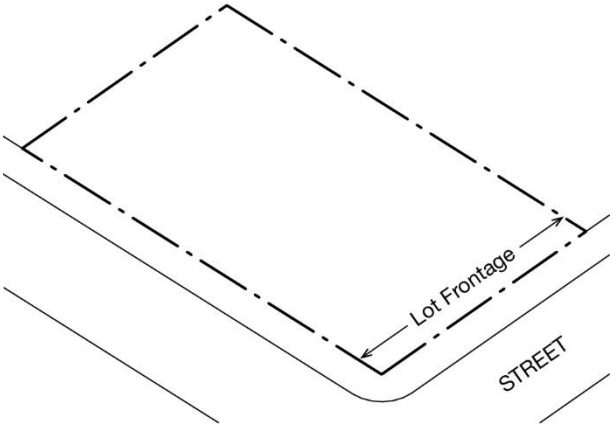
Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, “lot depth” means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

If there is not rear lot line, “lot depth” means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.



LOT, FRONTAGE

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

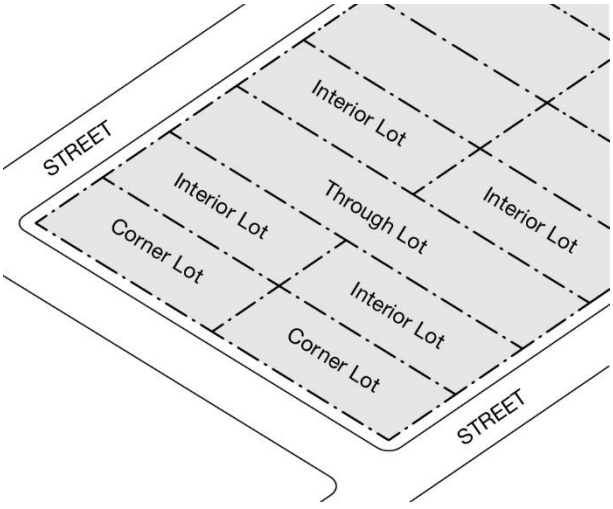


LOT FRONTAGE, ISLAND

Means the maximum distance measured between the farthest points along the shoreline.

LOT, INTERIOR

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

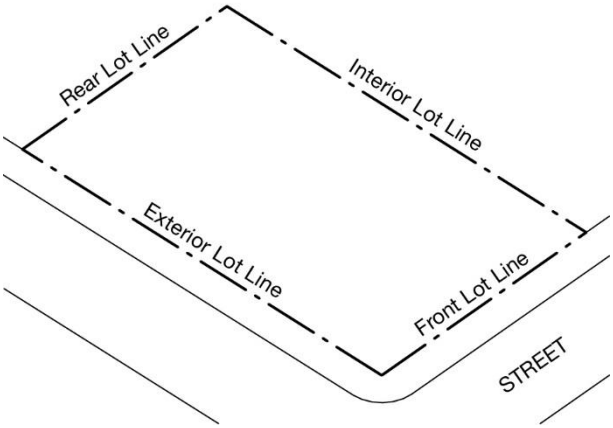


LOT, IRREGULAR

Means a lot abutting more than one street, but not otherwise defined herein.

LOT, LINE

Means a boundary line of a lot.



LOT LINE, EXTERIOR SIDE

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

LOT LINE, FRONT

Means:

1. In the case of an interior lot, the line dividing the lot from the street line.
2. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line.
3. In the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial Highway shall be deemed to be the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
4. In the case of a lot with frontage on a public street or private road and on a water body, the front lot line shall be measured both on the street line and on the water side.

5. In the case of a waterfront lot, the shoreline shall be deemed to be the front lot line, or the front lot line shall be deemed to be the line as established by building orientation and/or main access.

LOT LINE, REAR

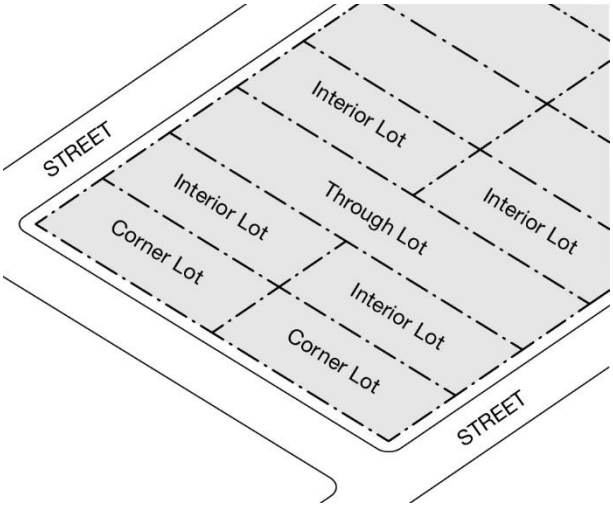
Means the lot line furthest from, and opposite to, the front lot line.

LOT LINE, SIDE

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

LOT, THROUGH

Means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be conclusively deemed to be a corner lot.

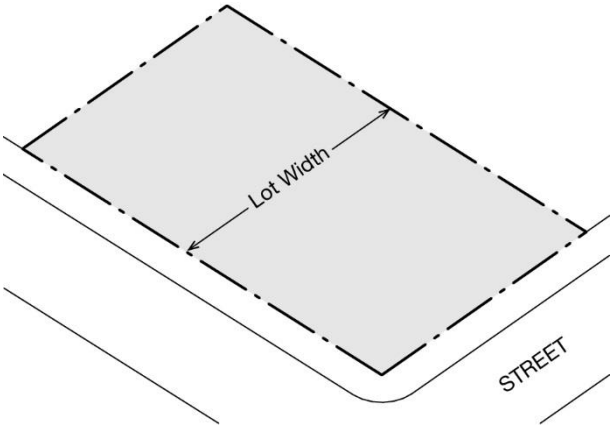


LOT, WATERFRONT

Means a lot with one lot line abutting the shoreline of a waterbody.

LOT, WIDTH

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



MAIN WALL

Means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

MANEUVERING 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.

MANUFACTURING

Means the use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing, or adapting for sale of any goods, substance, article or thing.

MARINA

Means a lot, building or structure containing docking facilities, boat launching ramps, lifts, boathouses, and located on a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided, and may include a

building or structure for the sale of accessories or refreshments, but does not include a marine facility.

MARINE COMMERCIAL FACILITY

Means a building or structure used for boat repairs, sales, storage, and service or other marine related commercial use.

MARINE FACILITY

Means an accessory building or structure located on a waterfront lot which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boatlift, dock, or boathouse, but shall not include any building used for human habitation or a marina.

MEDICAL/DENTAL OFFICE

Means a building or part of a building wherein health services are provided to the public in the form of medical, paramedical, dental, surgical, physiotherapeutic, or other human health services including associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

MEDICAL PRACTITIONER

Means a doctor, dentist, chiropractor, chiropodist, optometrist, ophthalmologist but shall not include a veterinarian.

MINI WAREHOUSE AND PUBLIC STORAGE

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

MOBILE HOME

Means any dwelling house that is designed to be made mobile and constructed or manufactured to provide a permanent residence, but does not include a modular dwelling house, motor home, travel trailer, tent trailer, or any other trailer otherwise designed.

MODULAR HOME

Means a single detached dwelling consisting of one or more modules which has been prefabricated or manufactured in compliance with CSA A 277 in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a Mobile Home or Park Model Trailer as otherwise defined.

MOTEL

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

MOTOR HOME

Means a self-propelled vehicle designed for living, sleeping and eating accommodation.

MOTOR VEHICLE

Means a motor vehicle as defined by the Highway Traffic Act.

MULTIPLE OCCUPANCY INDUSTRIAL BUILDING

Means a building containing two storeys or less located within an Industrial zone wherein a combination of two or more uses permitted in the zone occupy separate homogenous floor space areas and where no individual occupant is identifiable as a dominant occupant of the building.

MUNICIPAL GARAGE: SEE GARAGE MUNICIPAL

MUNICIPAL OFFICE

Means an office occupied and or owned by the municipality and used for municipal purposes.

MUNICIPALITY: (SEE CORPORATION)

MUSEUM

Means a lot, building and/or structure used for the storing and exhibition of objects illustrating antiquities, natural history, arts, etc. and which is publicly or privately owned or managed.

NATURAL HERITAGE FEATURES

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

NEGATIVE IMPACTS

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

NON-COMPLYING

Means an existing use, building or structure which does not comply with, or fails to meet, with one or more of the required zone provisions of this by-law.

NON-CONFORMING

With reference to a use, means an existing use which is not a permitted use in the zone in which the said use is located, and with reference to a lot means a lot having less than the minimum lot area and/or lot frontage required in the zone in which such lot is located.

NURSING HOME

Means a building containing multiple rooms with common access to eating, bathrooms, recreation and leisure areas for temporary occupancy by those requiring nursing or other care where meals, personal care, nursing services and medical care and treatment are provided or made available, as defined under the Nursing Homes Act.

OBNOXIOUS USE

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

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 the repairing equipment, goods, materials or vehicles.

OFFICE, PUBLIC ADMINISTRATION

Means the use of a building for the business and administration of a public authority.

OFFICIAL PLAN

Means the Official Plan of the Town of Hawkesbury or parts thereof and amendments thereto and any Official Plan which may be adopted by the Corporation.

ONE HUNDRED YEAR FLOOD

Means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

OPEN SPACE

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

OPEN STORAGE

Means storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement where permitted.

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.

OUTDOOR CAFÉ

Means an outdoor area adjoining a restaurant, a bar or a tavern, consisting of outdoor tables, and related decorations and fixtures, and where meals or beverages are served to the public for consumption on the premises. An outdoor café may be located within the public road right-of-way where an encroachment agreement exists between the owner and the Municipality.

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.

OUTDOOR RECREATIONAL FACILITY

Shall mean an establishment which provides recreational activities primarily located outside of a building such as golf driving range, miniature golf, lawn bowling, tennis court, model airplane flying or similar activities. A Go Cart Track is not included within this definition.

OWNER

Means the person or organization who owns the land in or on which a land use is located and who may be responsible for the establishment or operation of that land use.

PARK, PRIVATE

Means a recreational area other than a public park.

PARK, PUBLIC

Means a recreational area consisting largely of open space, which may include a playground, swimming pool, arena, playfield, or similar use, owned or controlled by the Corporation, or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada and includes a community centre as herein defined.

1. **Park** shall mean an area of land consisting largely of open space which may include a recreational area, playground, playfield or similar use and may also include accessory buildings or structures such as a maintenance building, washroom or canteen.
2. **Public Park** shall mean a park owned and maintained by the Municipality or other public authority.
3. **Private Park** shall mean a park other than a public park.

PARKING AREA

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

PARKING, GARAGE: SEE GARAGE, PARKING

PARKING LOT

A parking area forming the principal use of a lot.

PARKING SPACE

Means an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

PERMITTED

Means permitted by this By-Law.

PERMITTED USES

Means a use which is listed under the heading "Permitted Uses" in the designation where such use is located. It should be noted that unless the use has been specifically identified as permitted or discretionary it is not permitted.

PERSON

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

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.

PHARMACY

Means a building or structure or portion thereof wherein prescription medicines, patent medicines, sundry household items and similar merchandise are kept and offered for sale to the public.

PLACE OF ASSEMBLY

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

PLACE OF ENTERTAINMENT

Means a cinema or other theatre, arena, auditorium, public hall, dance hall, or music hall, but does not include a place of recreation or commercial sports and recreation centre as herein defined.

PLACE OF RECREATION

Means a lot, building or structure in which various forms of recreation are provided for a fee, including amusement parks, mini-golf courses, bowling alley, ice or roller skating rink, billiard or pool room and arcades, but does not include any place of entertainment or commercial sports and recreation centre.

PLACE OF WORSHIP

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

PLAYGROUND

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

PLAY AREA

Means an outdoor area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for the common recreation of the residents of a dwelling house.

PRINCIPAL: (SEE MAIN)

PRINTING ESTABLISHMENT

Means an establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include such uses as newspaper and book publishing and shall also include a print shop.

PRIVATE AMENITY AREA

Means a privacy yard immediately adjacent to the dwelling unit which serves the household and with access controlled by the household of the dwelling unit.

PRIVATE CLUB

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

PRIVATE ROAD

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

PROPANE/COMPRESSED NATURAL GAS TRANSFER AND HANDLING FACILITY

Means a facility that is licensed under the provisions of the Energy Act, R.S.O.

PROPANE, RETAIL

Means a retail propane/compressed natural gas transfer facility that is licensed under the provisions of the Energy Act, R.S.O. 1990, c. E.16, from which petroleum fuels (propane and compressed natural gas) may be retailed to the public.

PUBLIC ACCESS POINT

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

PUBLIC ART

Means any artistic installation in a publically owned building or space.

PUBLIC AUTHORITY

Means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof and includes any committee or local authority established by by-law of the municipality.

PUBLIC MARKET

Means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, fruits, meats, dairy product, plants and crafts, but does not include a flea market.

PUBLIC SERVICE AREA

Means the area served by the Town operated water and wastewater services.

PUBLIC STREET

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

PUBLIC USE

Means a building, structure or lot used for public services by the Town of Hawkesbury or the United Counties of Prescott and Russell and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario or

Canada, any telephone, telegraph or railway company, any company supplying natural gas, Ontario Hydro, and Conservation Authority, Public Utilities Company or similarly recognized agencies.

PUBLIC UTILITY

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and which is operated by a public authority or a publicly governed company.

RAILWAY SPUR

Means a rail line located on private property or on a private right-of-way.

RECREATIONAL TRAILER

Means a structure designed to provide temporary living accommodation for travel, vacation or recreational use and to be driven, towed or transported and without limiting the generality of the foregoing includes folding camping trailers, travel trailers and motor homes.

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, camper, motor homes but does not include a mobile home, recreational equipment such as boats, snowmobiles, personal water craft, all-terrain vehicles or other equipment used for recreational purposes.

RECREATIONAL VEHICLE SALES

Means a building and/or lot where recreational vehicles are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair including service centre, service bays, body shop, storage of parts, etc.

RECYCLING DEPOT OR TRANSFER STATION

Means a special waste management facility which serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

RECYCLABLE MATERIAL

Means waste transferred by a generator and destined for a site, i) where it will be wholly utilized, in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management and that does not involve combustion or land application of the waste, ii) where it will be promptly packaged for retail sale, or iii) where it will be offered for retail sale to meet a realistic market demand, but does not include, i) hazardous waste or liquid industrial waste, and ii) used or shredded or chipped tires.

REDEVELOPMENT

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

RELIGIOUS INSTITUTION

Means a building or part of a building used for bible institute, a Christian science reading room, a religious library, a religious school, a monastery, a convent, a religious retreat or similar use but shall not include a place of worship.

REPAIR SHOP: (SEE SERVICE SHOP, REPAIR)

RESEARCH CENTRE

Means a building or part of a building that is used primarily for research industries, including scientific, high technology, medical, economic and biotechnology. The centre may include a laboratory used for scientific or technical purposes but shall not include a medical or animal clinic.

RESTAURANT

Means a building or part of a building where food is offered for sale to the public for consumption on or off the premises and includes restaurants, cafes, cafeterias, ice cream parlours, tea or lunch rooms, dairy bars, coffee shops, snack bars and which may be licensed by the Liquor Board. This definition does not include a take-out restaurant, although a take-out counter within a restaurant is permitted.

RESTAURANT, TAKE-OUT

Means a building or structure where food is offered for sale to the public solely for consumption off the premises.

RETAIL FACTORY OUTLET

Means a building or part of a building wherein goods, wares, merchandise, substances, or articles produced by one factory only are offered for sale directly to the public and may include storage for such goods, wares, merchandise, substances, or articles.

RETAIL, LARGE FORMAT

Means a large floor plate warehouse format or box store retail outlet having a size ranging from 1,000 m² (10,765 sq.ft.) to 15,000 m² (160,000 sq. ft.) specializing in the sale of individual or multiple merchandise categories and requiring space intensive sites with regional road and highway accessibility.

RETAIL STORE

Means a building or part of a building in which goods, wares, merchandise, substances, articles or things are kept and offered for sale directly to the general public, but does not include any establishment otherwise defined herein. A retail store shall also include minor fabricating, processing, assembling and/or manufacturing operations where customers and/or employees produce a finished product from the goods, wares, merchandise, substances or things which are sold on the premises, and without limiting the generality of the foregoing includes such uses as department store, picture framing, wine and beer making, arts and crafts, etc.

RETIREMENT LODGE OR RETIREMENT HOME

Means a residence providing accommodation primarily for senior citizens where each dwelling unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of good are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

A retirement home shall not be considered a long term care facility as per the Homes for the Aged and Rest Homes Act R.S.O. 1990, CHAPTER H.13.

REVEGETATION

Means the planting or planting and regeneration of native vegetation in order to restore a shoreline buffer.

RIGHT-OF-WAY: (SEE STREET)

RIGHT-OF-WAY, PRIVATE:

Means land owned by an individual, other than a public authority, over which right-of-way has been granted to others for access purposes.

ROAD: (SEE PUBLIC STREET)

ROAD ALLOWANCE

Means a public highway and includes the surface of which is not improved for use by vehicular traffic and is not maintained by a Public Authority.

ROOMING HOUSE

Any house or other building or portion thereof in which persons are harbored, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.

ROWHOUSE DWELLING: (SEE DWELLING - TOWNHOUSE)

SALVAGE YARD:

Means a lot, building and/or structure where goods, wares, merchandise articles or things are stored, handled, processed for further use and/or are abandoned, and includes a junk yard, a scrap metal yard, an automobile wrecking yard or premises, but does not include a waste disposal site.

SAMPLE AND SHOWROOM

Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises.

SCHOOL

Means a school under the jurisdiction of a Board as defined in the Department of Education Act.

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.

SCHOOL, PRIVATE

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

SEMI-DETACHED DWELLING: (SEE DWELLING - SEMI-DETACHED)

SEAT

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

SEATING CAPACITY

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

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.

SENSITIVE LAND USE

Means buildings, amenity areas or outdoor spaces where routine or normal activities occurring as reasonable expected times would experience on or more adverse effects from contaminant discharges generated by a nearby facility and includes a dwelling, day care centre and an educational or health facility.

SERVICE OR REPAIR ESTABLISHMENT

Means the use of a building for the servicing or repairing of articles, goods or materials, and includes sales accessory to the principal use. A service or repair shop does not include the manufacture of articles, goods or materials, motorized or gas powered engines or include a use otherwise defined by this By-Law.

SERVICE, INDUSTRIAL OR BUSINESS

Means a building or part of a building used primarily to provide goods or services to other industries and businesses and, without limiting the generality of the foregoing, includes such uses as courier, equipment and supply, data processing, research, training, rental and similar uses not otherwise defined herein.

SERVICE SHOP, PERSONAL

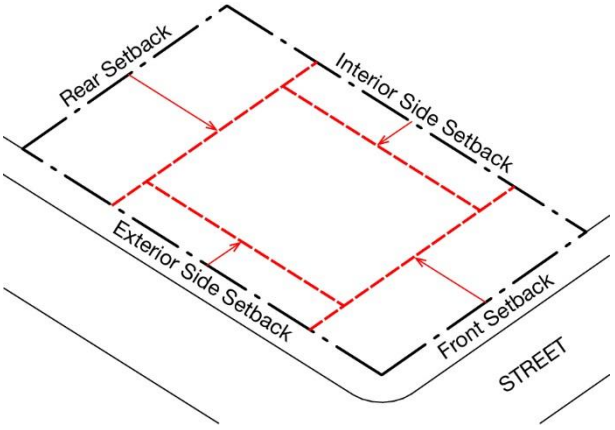
Means a building or part of a building wherein a personal service is provided. This definition may include a barbershop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, an artist's or photographic studio or similar use.

SERVICE STATION: (SEE AUTOMOBILE SERVICE STATION)

SETBACK

Means:

1. With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.
2. 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.
3. 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.



SHOPPING CENTRE

Means a group of non-residential uses which are predominantly retail and personal service shop uses which serve the general public and which are designed, developed and managed as a unit in one or more main buildings by a single owner or tenant or group of owners or tenants, as opposed to a business area comprising unrelated individual business uses, and includes parking lots and landscaped areas. Industrial Malls and Highway Commercial Malls are not considered to be Shopping Centres. (Town of Hawkesbury By-law 41-95, May 8, 1995).

SHORELINE

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

SHORELINE STRUCTURE

Means a boat house (wet or dry), a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

SIGHT TRIANGLE

Means a triangular space, free of buildings, structures and obstructions including landscaping

materials such as shrubs and trees, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this By-law.

SIGN

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

1. Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
2. Which is used to advertise, inform, announce, claim, give publicity or attract attention.

SITE ALTERATION

Means a change to the existing topography by more than 0.3 metres (1 foot) and over an area exceeding 9.29 square metres (100 square feet).

SMALL BATCH BREWERY

Means a building or structure used to brew local beer for sale and distribution and may include a retail facility.

SINGLE-DETACHED DWELLING: (SEE DWELLING - SINGLE-DETACHED)

STORAGE, ESTABLISHMENT

Means the use of land, buildings or structures for the primary purpose of storing of chattels such as boats or heavy equipment. A storage establishment may include accessory structures for the management and operation of the establishment, but does not include the overnight accommodation of humans or any use otherwise defined in this By-Law.

STORAGE, OUTDOOR

Means the use of an area of land outside of a building or structure intended for the storage of equipment, chattels, goods or materials integral to a principal use on a regular basis for a time period greater than 72 hours.

STORAGE SHED

Means an accessory building used for the storage of household items and equipment incidental to a residential occupancy.

STORAGE / SHIPPING CONTAINERS

Means a shipping or cargo container being a prefabricated metal container or box specifically constructed for the transportation of goods by rail, ship or truck that is placed on a parcel and is used only for auxiliary storage purposes.

STOREY

Means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 2 m above grade. Provided also that any portion of a storey exceeding 4.5 m in height shall be deemed an additional storey for each 4.5 m or fraction thereof of such excess.

STOREY, HALF

Means the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1 m in height and a ceiling with a minimum height of 2.5 m over an area equal to at least 50 percent of its floor area.

STREET, OPEN PUBLIC

Means an open thoroughfare under the jurisdiction of the Corporation, the County, the Province of Ontario or the Government of Canada. This definition includes highways, roads, right-of-ways and road allowances, but excludes lanes and private right-of-ways.

STREET, PRIVATE

Means a street, not otherwise defined herein, which is described on a plan of subdivision or on a plan of condominium which is not under the jurisdiction of the Corporation, but which has been approved by the Municipality.

STREET, UNOPENED PUBLIC

Means a street which has not been assumed by the Corporation as a public thoroughfare.

STREET LINE

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

STRUCTURE

Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground. For the purposes of this by-law, a fence not exceeding 2 m in height shall be deemed not to be a structure.

STUDIO

Means a building or part thereof used, as the workplace of a photographer, artist, or artisan or for the instruction of art, music, languages or similar disciplines.

SUPERMARKET

Means a major food retailing establishment having a size of 930 m² (10,000 sq.ft.) or greater and offering a balanced line of groceries, fresh meat, fish and poultry and other food stuffs and limited lines of accessory merchandise such as personal hygiene products and household supplies. A supermarket also includes uses which combine wholesale and retail sales of supermarket type merchandise with or without other types of merchandise where the general public has access either freely or by membership or some other form of control. (Town of Hawkesbury By-law 41-95, May 8, 1995)

SWIMMING POOL, PRIVATE

Means any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving or bathing.

TAKE-OUT RESTAURANT: (SEE RESTAURANT, TAKE-OUT)

TARPAULIN STRUCTURE

Means a supporting metal pole frame structure with a fabric cover made of canvas nylon or similar material. Such structure must be ancillary to a main permitted use and can be dismantled and moved.

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.

THEATRE, CINEMA

Theatre means a building or part of a building which is used for the presentation of live, dramatic or musical performances or entertainment. Cinema means a building or part of a building devoted to the showing of motion pictures.

TOP OF SLOPE

Means the point of line which is the beginning of a significant change in the elevation of the land surface, and from which the land surface slopes downward toward an existing watercourse.

TOT LOTS

Means a public park which is generally limited in size and which is equipped with amenities designed for recreational use by small children.

TRANSPORTATION DEPOT/TERMINAL

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.

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.

USE

Means the purpose for which land, buildings or structures may be arranged, designed, designated, intended, maintained or occupied; and

The occupation, business, activity, or operation carried on, or intended to be carried on the land or in a building or structure for which it is arranged, designed, designated, intended, maintained or occupied.

USE, ACCESSORY

Means a use customarily incidental and subordinate to the main use or main building and located on the same lot with such main use or main building and shall also include such uses as accessory restaurants, take-out restaurants, retail stores and wholesale.

USE, PRINCIPAL

Means the predominant purpose for which any land, building or structure, or part thereof is used, designed, arranged, occupied or maintained.

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.

VETERINARY ESTABLISHMENT: (SEE ANIMAL CLINIC)

VIDEO RENTAL OUTLET

Means a building or part of a building wherein the primary use is the rental of DVD's, video tapes or compact discs and may include the rental of video recorders, cameras, players or games.

WAREHOUSE

Means a building or portion of a building used only for the bulk storage of goods, wares, merchandise, or materials and includes accessory office space, but does not include bulk storage.

WASTE DISPOSAL SITE

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

WASTE DISPOSAL SITE INFLUENCE AREA

Means the area where the possible effects of a Waste Disposal Site, including landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin, are most likely to occur.

WATER FRONTAGE

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

WATERBODY

Means any bay, lake, river, canal as well as any floodplain associated with the waterbody, but excluding a drainage or irrigation channel and any other watercourse.

WATERCOURSE

Means any depression one metre or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks, as well as any floodplain associated with the watercourse. Creeks, streams and other similar watercourses are included in this definition.

WETLAND

Means a Provincially Significant Wetland as defined in the Provincial Policy Statement.

WHOLESALE OUTLET

Means a building or portion of a building 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, but excluding a new format retailer, supermarkets and other uses as herein defined. (Town of Hawkesbury By-law 41-95, May 8, 1995)

WILDLIFE HABITAT

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

WOODLANDS

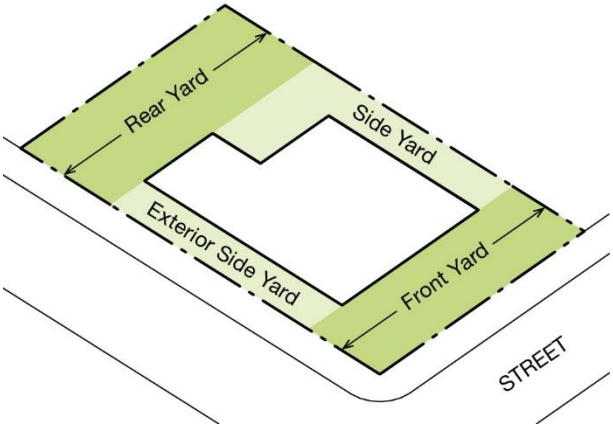
Means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands also include treed areas, woodlots or forested areas and vary in their level of significance.

WORKSHOP

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

YARD

Means a space, appurtenant to a building or structure, 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, uses or structures as are specifically permitted in this by-law.



YARD, EXTERIOR SIDE

Means a side yard immediately adjacent to a public street.

YARD, FRONT

Means the space extending across the full width of a lot between the front lot line and the nearest part of any main wall of any building or structure on the lot.

YARD, INTERIOR SIDE

Means a side yard other than an exterior yard.

YARD, REAR

Means the space extending across the full width of a lot between the rear lot line and the nearest part of any rear wall of any main building or structure on the lot. In the case of a lot with no rear lot line, the rear yard shall be the area between the point where the side lot lines meet and the nearest part of any rear wall of any main building or structure and the lot and extending the full width of the lot.

YARD, REQUIRED

Means the minimum yard required by the provisions of this by-law.

YARD, SIDE

Means the space extending from the front yard to the rear yard and from the side lot line to the nearest part of any side wall of any main building or structure on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

YARD, SHORELINE

Means a yard extending across the full width of the lot situated between the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a building or structure, including any attached or directly adjacent deck, or the nearest open storage on the lot.

ZONE

Means a designated area of land shown on Schedule A to this by-law to which certain provisions and restrictions apply.

5.0 Schedule A